

PROBATION *and* PAROLE PROGRESS

YEARBOOK

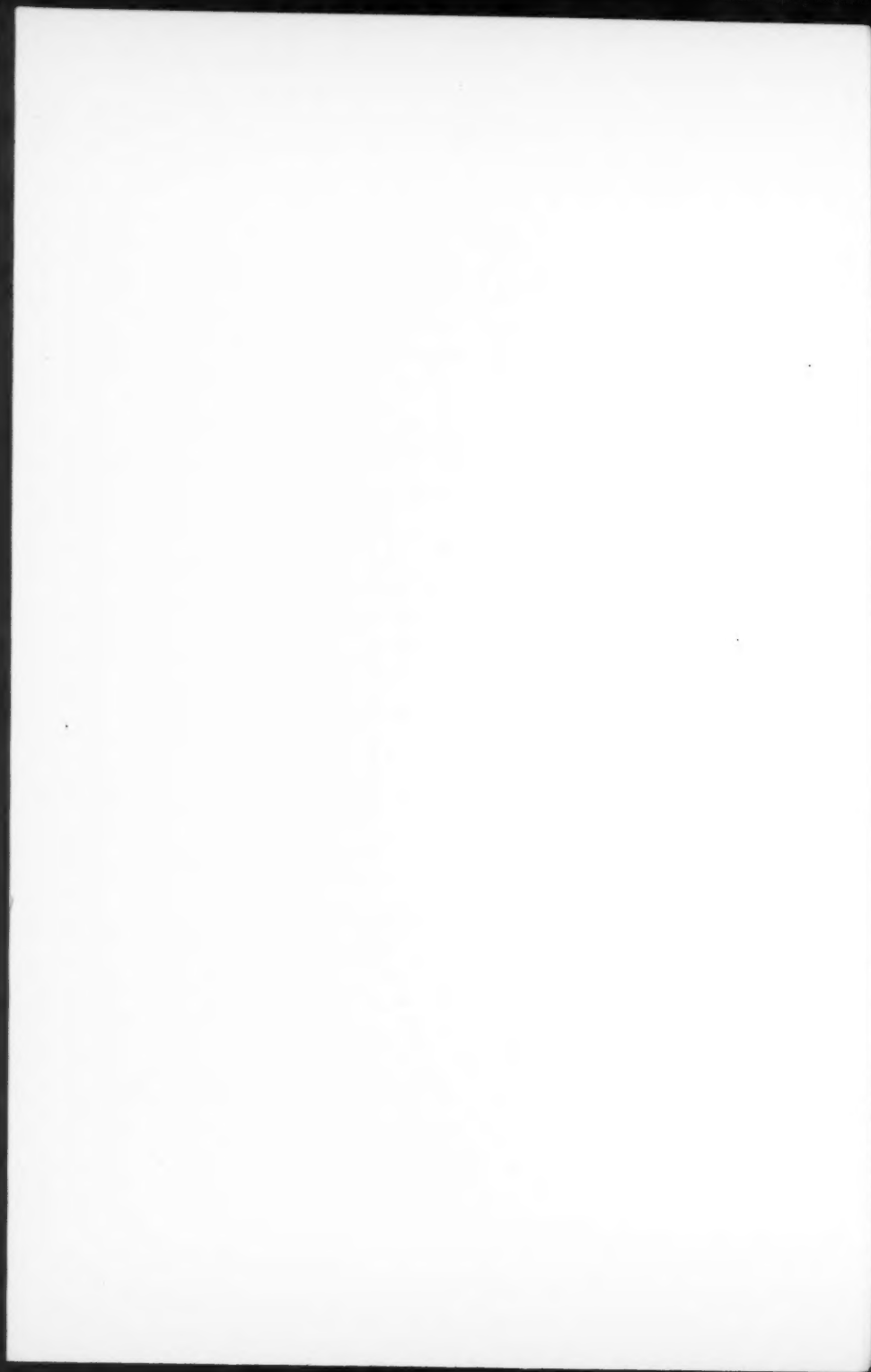
NATIONAL PROBATION ASSOCIATION
NINETEEN HUNDRED AND FORTY-ONE

CURRENT OPINION ON THE TREATMENT AND PREVENTION
OF DELINQUENCY AND CRIME. PAPERS GIVEN AT THE
THIRTY-FIFTH ANNUAL CONFERENCE OF THE ASSOCIATION
AT BOSTON, MAY 29-31, AND ATLANTIC CITY, JUNE 2-4

Edited by

MARJORIE BELL

THE NATIONAL PROBATION ASSOCIATION
1790 BROADWAY NEW YORK



PROBATION *and* PAROLE PROGRESS

YEARBOOK

*NATIONAL PROBATION ASSOCIATION
NINETEEN HUNDRED AND FORTY-ONE*

CURRENT OPINION ON THE TREATMENT AND PREVENTION
OF DELINQUENCY AND CRIME. PAPERS GIVEN AT THE
THIRTY-FIFTH ANNUAL CONFERENCE OF THE ASSOCIATION
AT BOSTON, MAY 29-31, AND ATLANTIC CITY, JUNE 2-4

Edited by

MARJORIE BELL

THE NATIONAL PROBATION ASSOCIATION
1790 BROADWAY NEW YORK

THE HISTORY OF THE
CITY OF BOSTON

FROM THE FIRST SETTLEMENT
TO THE PRESENT TIME

BY
JOHN HUTCHINGS

IN TWO VOLUMES.



LONDON:
Printed by J. B. L. & Co. 1788.

Supreme Court of the United States

Washington, D. C.

May 26, 1941

My dear Mr. Pfeiffer:

I am glad to have a share in the tribute to John Augustus, to whose profound sympathies and creative intelligence we owe the practice of probation. We have now the technique of a legal system based on long experience, operating as part of the mechanism of courts, and fortified by the expert advisory activities of the National Probation Association. But we cannot fail to realize that the effectiveness of all this organized endeavor depends for real achievement upon a constant and absorbing personal interest in particular human beings, that is, upon the spirit which dominated the untiring personal efforts of John Augustus. It is the recognition of the fact that he was the incarnation of the ideals which must inspire the probation system that this anniversary has been chosen to honor his memory and to intensify interest in this important work.

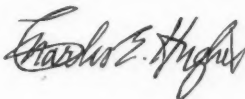
If conduct is three-fourths of life, administration is at least three-fourths of law, and administration is about all there is to probation. In this distinctive field the necessity for a well devised routine is obvious, but the success of that procedure rests upon the special aptitude of the probation officer. It is gratifying to observe that judges who have the duty of selecting probation officers are more and more alive to their responsibility for the efficiency of the system. There is no room here for mere place-hunters or political derelicts. This matter received particular emphasis at the recent meeting of the Judicial Conference of the Senior Judges of the United States Circuit Courts of Appeals. It was declared to be the sense of the Conference that in view of the responsibility and volume of their work probation officers should be appointed solely on the basis of merit without regard to political associations; and that training, experience and traits of character appropriate to the specialized work of a probation officer should in every instance be deemed essential qualifications. That Conference also took note of the fact that in the federal system the average case load was far too high and that the burden should be relieved as soon as possible by provision for additional officers.

Another admirable feature of today's efforts is the increased opportunity that is being afforded for in-service training courses for probation officers. Good intentions and humanitarian impulses are not enough. There must be the special skill which comes from training, and courses to that end are being provided. The related problems of the indeterminate sentence and parole, of disparities in sentences for similar offenses committed under like circumstances, and of adequate provision to meet the interests of society in the treatment of juvenile offenders are more than ever the subject of careful study which will undoubtedly lead to needed improvements.

This anniversary happily marks many advances and I am sure that your conference on crime treatment and prevention will give a further impetus to the helpful movements that are in progress. I send my congratulations upon what has been achieved and my cordial greetings to all those who are cooperating in this essential social enterprise.

Very sincerely yours,

Timothy N. Pfeiffer, Esq.
President, National Probation Association,
1790 Broadway, New York City, N. Y.



1785



1859

JOHN AUGUSTUS

MOVED BY THE PLIGHT OF THE UNFORTUNATE
IN THE JAILS AND PRISONS OF HIS DAY A HUMBLE
BOSTON SHOEMAKER BEGAN A GREAT MOVE-
MENT IN THE REFORMATION OF OFFENDERS
WHEN IN 1841 HE TOOK FROM THE COURT FOR
A PERIOD OF PROBATION ONE WHO UNDER HIS
CARE AND WITH HIS FRIENDSHIP BECAME A MAN
AGAIN THIS TABLET MARKING THE CENTENARY
OF PROBATION IS INSCRIBED TO HIS MEMORY
BY THOSE WHO FOLLOW IN HIS FOOTSTEPS
NATIONAL PROBATION ASSOCIATION MAY 30 1941

*John Augustus memorial tablet now affixed to the outer wall of the City Hall Annex, Boston.
A small supplementary tablet below the large one reads:*
ON THIS SITE STOOD THE OLD COURT HOUSE SCENE OF THE LABORS OF JOHN AUGUSTUS.



Sociology
Taxon
1-8-42
subs.



FOREWORD

SOME years are milestones in special areas of social progress. Thus 1941 marks the centennial of probation in this country. John Augustus, a Boston shoemaker, began work as a volunteer in the Boston police court in 1841.

The Yearbook of the National Probation Association for 1941 *Probation and Parole Progress* particularly commemorates this anniversary. The annual conference of the Association, appropriately held in Boston May 29 to 31, looked backward into the history of probation and the closely related service of parole which began to develop shortly afterward, assessed our present developments, and accepted the challenge of the future. The Yearbook is chiefly a compilation of the papers given at this conference, together with others presented at our sessions at the National Conference of Social Work in Atlantic City June 1 to 4.

The less obvious social causes of crime and delinquency form a section of the book. Trends in case work practice, recognition of the particular problems of the adolescent delinquent, the use of group situations in a corrective program, are also presented. A digest of current legislation on probation, parole and juvenile courts is included. Never before has there been a year with such widespread legislative activity. The work of the Association for 1940-41 is reviewed.

CHARLES L. CHUTE

December 1, 1941



TABLE OF CONTENTS

I HISTORY AND PROPHECY

| | Page |
|---|------|
| Donald W. Moreland John Augustus and His Successors.... | 1 |
| Frank W. Grinnell The Common Law Background of Probation | 23 |
| Charles L. Chute The Development of Probation..... | 29 |
| Wilbur LaRoe, Jr. The Social Background of Probation and Parole | 41 |
| Marietta Stevenson Probation and Parole in Relation to the State Public Welfare System.. | 55 |
| Sanford Bates The Next Hundred Years..... | 75 |

II THE OFFENDER IN THE MAKING

| | |
|---|-----|
| Sheldon Glueck Crime Causation | 86 |
| Eduard C. Lindeman Underlying Social Causes of Crime.. | 109 |
| Miriam Van Waters Delinquency on the Distaff Side..... | 118 |

III TRENDS IN JUVENILE COURT PRACTICE

| | |
|--|-----|
| Paul W. Alexander Confessions of a Very Juvenile Judge | 124 |
| Agnes K. Hanna Dependency and Neglect Cases in the Juvenile Court | 136 |
| Helen Leland Witmer Social Case Work in the Field of Juvenile Probation | 153 |
| Paul Holmer Tying the Clinic with the Court..... | 167 |

IV AIDING THE ADOLESCENT

| | |
|---|-----|
| Thomas E. Dewey The Challenge of the Young Offender | 181 |
| Fritz Redl Adolescent Changes as a Factor in Delinquency | 191 |
| Hyman S. Lippman Adolescents in Conflict with Authority | 208 |

| | Page |
|-------------------|--|
| Joseph N. Ulman | The Youth Correction Authority Act 227 |
| George W. Smyth | Analyzing the YCA Act..... 241 |
| Joseph P. Murphy | The YCA Act—Is It Practical and Needed? 247 |
| Benedict S. Alper | The English System of Borstal Schools 260 |

V PROBATION AND PAROLE CASE WORK

| | |
|---------------------|---|
| Nathaniel Cantor | The Function of Probation..... 277 |
| Victor H. Evjen | Discussion 298 |
| Merrill Moore | The Management of the Alcoholic Probationer 308 |
| M. Geneva Gray | |
| Charles H. Z. Meyer | Differentiation in the Treatment of Probationers and Parolees..... 322 |

VI UTILIZING GROUP SITUATIONS

| | |
|----------------------|---|
| Harry Manuel Shulman | Experimental Group Treatment of Maladjusted School Children..... 342 |
| Amedeo O. Taiano | Using the Group in Probation Work 366 |
| Kenneth I. Wollan | The Citizenship Training Program of the Boston Juvenile Court..... 379 |

VII LEGAL DIGEST

| | |
|------------------|---|
| Gilbert Cosulich | Legislation and Decisions, Probation, Parole, Juvenile Courts, 1941..... 389 |
|------------------|---|

VIII THE NATIONAL PROBATION ASSOCIATION

| | |
|---|---------------------------------------|
| Charles L. Chute | Review of the Year 1940-1941..... 427 |
| Treasurer's Report | 442 |
| Minutes of the Annual Meeting | 446 |
| Minutes, Meeting of the Professional Council | 449 |
| Officers, Board of Trustees, Advisory Committee, Professional Council, Western Advisory Council, Staff | 451 |
| By-laws of the Association | 459 |
| Program of the Association | 463 |
| INDEX | 465 |

I HISTORY AND PROPHECY



John Augustus and His Successors

DONALD W. MORELAND

Boston Provident Association

THE first probation law anywhere in the world was passed in Massachusetts in 1878. This law, Chapter 198, Acts of 1878, authorized the mayor of Boston to appoint from the police force or from the city at large a person to attend the criminal courts in Suffolk county, to investigate the cases of those charged with or convicted of crimes, and to recommend to the courts the placing on probation of those who might be reformed without punishment. The act provided for the compensation of the first statutory probation officer from public funds.

It is important to remember that the Act of 1878 did not create probation or initiate the probation movement. It created no new judicial power but provided only for the appointment and payment of a special officer in order that the courts might exercise more fully and broadly what had become a well-established, well-recognized and approved usage.

Defendants had been placed on probation in Boston as early as 1830. By judicial experiment and the use of volunteer probation officers, the probation movement came into being. The General Court, in enacting the Act of 1878, reflected the public opinion in favor of placing defendants on probation which had been forming for nearly fifty years.

The probation movement as it developed before legis-

lation is the story of devoted men and women of Massachusetts, many of them volunteers, who saw in probation an opportunity for the rehabilitation of men and women, of boys and girls. Of these John Augustus made the first great contribution.

When on an August day in 1841 John Augustus appeared in the police court of Boston and the court bailed into his custody a poor inebriate who would otherwise have been committed to jail, probation was ready for its development. The courts were prepared; there was no lack of the human beings with whom probation is concerned; and John Augustus was imbued with the vision and the consecration necessary to make probation a really living movement.

Probation was not the discovery of John Augustus,—that came from the enlightened legal thought of Boston judges in the decade before him. But there could be no real development of probation until in addition to the legal thought and practice which made it possible, there was a demonstration which would show its possibilities and value as a treatment process, which would gain the interest, understanding and respect of the courts and of the public, and which would attract other workers to the field. Such a demonstration John Augustus, the boot-maker of Boston, made from 1841 until his death in 1859.

It was Augustus' practice to bail, after his conviction, an offender in whom there was hope of reformation. The man would be ordered to appear before the court at a stated time at the expiration of which Augustus would accompany him to the courtroom. If the judge was satisfied with Augustus' account of his stewardship, the offender, instead of being committed to the House of Correction, would be fined one cent and costs. The one cent and costs, which amounted generally to from three to four dollars, Augustus paid.

Who was John Augustus? What was it that took him from his boot factory to the police court in 1841? How did he do his work? Who financed it? How was he received by the personnel of the courts, by the press, and by the people of Boston? What were his accomplishments?

John Augustus was born in Burlington, Massachusetts (then part of Woburn) in 1785. About 1806 he moved to Lexington and carried on a shoe manufactory in part of his home. He apparently prospered as he owned a large tract of land on both sides of Bedford street. His old home, now renovated and restored at 1 Harrington Road, and known as the Jonathan Harrington house, faces the Lexington Common.

Although John Augustus was in business in Boston as early as 1820, he continued to maintain his Lexington home and possibly his Lexington business until 1829, when the Boston Directory lists him as living in Boston on Chambers street. It was in his shop at 5 Franklin avenue near the police court, now only an alley, that Augustus received from 1841, according to his own account of his work, frequent calls from those who sought his help. It was his business there that suffered owing to the time he was required to spend away from it bailing people in the courts or attending to their needs elsewhere.

All of Augustus' residences from 1841 on are of particular interest, because as soon as he began his work in the courts his home became the refuge of people he had bailed until more permanent plans could be made for them. From 1845 until his death in 1859 Augustus lived at 65 Chambers street, in the West End of Boston. Nothing remains today of this old house.

There can be no doubt it was the Washingtonian temperance reform movement which led Augustus to the

police court and later to the municipal court in Boston. It was the conviction of all Washingtonians that the drunkard could be saved through understanding, kindness and moral suasion, rather than through commitment to prison.

The movement resulted in Boston in the formation of the Washingtonian Total Abstinence Society on April 25, 1841. Its members were pledged not only not to use intoxicating liquors themselves, but to reclaim and to restore to temperance those who were addicted to drunkenness.

The members were soon in the police court about the work to which they were pledged; and some of them were there before Augustus, as the first quarterly report of the society's auditor, published in July 1841, indicates:

I take this opportunity, in the name, and in behalf of this Society, of tendering to the Justices and Clerks of the Police Court, my hearty thanks for their kindness in affording (as far as consistent with duty) every facility to our members in their attempts to rescue and bring back to the paths of temperance, the *poor, forsaken, heartbroken* Drunkard, who came under their cognizance. Many, very many, have been taken from this Court and restored to their families and friends, who do not appear in the Reports from the Houses of Correction and Industry. Thus it will be seen that a heavy expense has been saved to the city, and many a person has been brought back to usefulness, unknown to the public.

The First Probationer

Let Augustus describe in his own words the moving story of his first probationer:¹

In the month of August, 1841, I was in court one morning, when the door communicating with the lock-room was opened and an officer entered, followed by a ragged and wretched looking man, who took his seat upon the bench allotted to prisoners.

¹ John Augustus, *First Probation Officer* (reprint of *Report of John Augustus* Boston, 1852) National Probation Association, 1939, p. 4

I imagined from the man's appearance that his offence was that of yielding to his appetite for intoxicating drinks, and in a few moments I found that my suspicions were correct, for the clerk read the complaint, in which the man was charged with being a common drunkard. The case was clearly made out, but before sentence had been passed, I conversed with him a few moments, and found that he was not yet past all hope of reformation, although his appearance and his looks precluded a belief in the minds of others that he would ever become a *man* again. He told me that if he could be saved from the House of Correction, he never again would taste intoxicating liquors; there was such an earnestness in that tone, and a look expressive of firm resolve, that I determined to aid him; I bailed him, by permission of the Court. He was ordered to appear for sentence in three weeks from that time. He signed the pledge and became a sober man; at the expiration of this period of probation, I accompanied him into the court room; his whole appearance was changed and no one, not even the scrutinizing officers, could have believed that he was the same person who less than a month before, had stood trembling on the prisoner's stand. The Judge expressed himself much pleased with the account we gave of the man, and instead of the usual penalty,—imprisonment in the House of Correction,—he fined him *one cent and costs*, amounting in all to \$3.76, which was immediately paid. The man continued industrious and sober, and without doubt has been by this treatment, saved from a drunkard's grave.

With this encouragement Augustus continued to appear in court to receive on probation alcoholics who appeared likely prospects for reformation, to rehabilitate them, and then to return with them to court for a report on their progress. By January 1842 he had bailed seventeen other alcoholics.

His real consecration to this work occurred in August 1842, when he could say:¹

I had labored about a year when it became evident that much, much good had been and might be performed, by laboring in the field in which I had commenced operations, and to promote

¹ *Op. cit.* p. 7

this object, several kind and philanthropic individuals placed in my hands donations of various sums, which enabled me to accomplish a much greater amount of good than I could have done from my own limited means alone.

From this time on, Augustus' record is one of dedication to a cause, understood by some and misunderstood by others, to which he devoted the remainder of his life, much of his own financial resources, as well as the money contributed by Boston people. John Augustus set the general pattern to be followed by succeeding voluntary and official probation officers.

During the first year, Augustus bailed only men, but thereafter, year by year until 1859, his probationers were men and women, boys and girls whose offenses represented everyailable crime.

When in December 1851 John Augustus consulted his records preparatory to publishing an account of his labors in behalf of unfortunates during the preceding ten years, he found he had bailed in the police or municipal courts 1102 persons, 674 males and 428 females. He had become bail for them to the amount of \$19,464, and he had paid \$2417.65 for fines and costs.

Although this alone may be considered an impressive record, it is to be remembered that he continued such work in the courts for about seven and one-half years more; and in addition he responded to calls for assistance from many in need of social services who were not court offenders. Up to 1858 we know that he had bailed 1946 persons, 1152 males and 794 women and girls.

From contemporary accounts of John Augustus there can be assembled enough information to give a rather vivid picture of his personality, his life and his methods of work.

The only actual picture of him which has been found appears in Ball Fenner's *Raising the Veil*, which the

author in 1856 called "tolerably fair," but "not so correct as it should be." Fenner described Augustus at work in court as "that fidgety old fellow, whose skin looks like a piece of brown parchment," who "will reel off more line from the end of his tongue in fifteen minutes than any ordinary man could accomplish in four times that space."

Early in 1847 John Augustus went to Lynn and addressed a meeting there on prison reform. An account of that meeting presents a full length portrait of Augustus the man:¹

Mr. Augustus said that he was placed wholly in a new position, viz; that of a public speaker. He had received an invitation to be present, but he never made speeches. He didn't want to be a speech maker. He had no time to make speeches, he didn't know how, and he had neither time nor inclination to learn. He was a worker. He belonged to all the reform societies. He belonged to the Washingtonian, the Anti-Slavery, Moral Reform, and others of a similar nature. He was as willing that the Rum-seller should go to Prison as that the wife and children of the drunkard should go to the Alms House. But he didn't want any of them to go, either the Rum-seller or his victims. Mr. Augustus said that he not only belonged to all the Reform Societies, but he belonged to all denominations, the Methodist, Universalist, Baptist, Unitarian, and all, but he had long since done with sectarianism. He had been engaged for the last six years saving men and women. He hadn't earned a cent for four years. He had met with a great amount of opposition; he had been called a fanatic, and a fool, and been accused of upholding crime. He formerly belonged to the old Temperance Society, and worked with Deacon Grant, but when the Washingtonian car came along he sprung into that. It was this time, . . . the idea flashed across his mind of saving men. He worked a whole year saving men, before he dared to speak to a woman. He went to Jail one day to see a man that he was trying to save, and he saw there a woman who asked him why he couldn't save her. This was rather a hard question, and one that puzzled him some. He came to the conclusion that he would save the next one that was brought

¹ The *Christian Register*, May 15, 1847, p. 78

up, which he did. He was bound for her, and saved her, and she has since become one of the most efficient members of the Martha Washington [Temperance] Society. He had a paper containing the names of those that he had been bound for, (which he exhibited at full length) measuring sixteen feet.

The manner of Mr. Augustus is straightforward, unaffected and manly. He displayed no egotism in the relation of the above, but spoke as one who was conscious of having done nothing but his duty, and what every other man might have done as well. He appears to be a perfectly free, independent, *honest man*, and it would be impossible to report what he says, so that it would have the same effect upon the reader as upon the hearer, as the manner and the spirit would be wanting. Would that we had more such men as John Augustus.

Here then was a man who was a doer rather than a talker; a man who gave his support to many constructive forces in his community; a man who was not bound by any sectarian strife; a man without egotism or affectation.

Louis Dwight, able secretary for thirty years of the highly influential Boston Prison Discipline Society, who in his twentieth annual report in 1847 wrote an article entitled "Benevolent Effort for Persons Under Arrest" which was concerned with Augustus' work in the courts, said:

This is a new field of benevolent effort, and so far as it can be improved without a sacrifice of public justice, under the direction and with the approbation of the judges of our criminal courts, so far it will promote the great object of this society, namely, the improvement of prisons by keeping men out of them.

Then Dwight reprinted the list of 234 men and women bailed up to that time by Augustus from the police and municipal courts, with their names and residences, the dates of their appearances in court, and the amount of their fines and costs.

This list always provoked great interest on the part of those who saw it. Augustus seems to have taken delight in exhibiting it, and it always seems to have been easily available. It was described from time to time as of various lengths up to seventy-five feet. Part of this roll is now one of the treasures of the library of the Harvard Law School. The real significance of it lies in the fact that he kept a careful though meager record of his probationers.

Augustus' work with offenders is characterized also by care in the selection of fit subjects for probation, by the guidance, creative thought, and impartiality he showed toward those who were out on bail and for whom he was responsible, and by the attitude and spirit he showed in his pioneer work. He tells us:¹

Great care was observed of course to ascertain whether the prisoners were promising subjects for probation, and to this end it was necessary to take into consideration the previous character of the person, his age and the influences by which he would in the future be likely to be surrounded, and although these points were not rigidly adhered to, still they were the circumstances which usually determined my action. In such cases of probation it was agreed on my part, that I would note their general conduct, see that they were sent to school or supplied with some honest employment, and that I should make an impartial report to the court, whenever they should desire it.

Opposition to Overcome

In the conduct of his work inside and outside the court, John Augustus had to face opposition, misunderstanding, and even physical abuse. Charges were made that he was profiting financially from those whom he bailed even though many of them were so poor they were unable to pay the fine and costs. Much of the opposition and misunderstanding he gradually overcame.

¹ John Augustus, *First Probation Officer*, op. cit. p. 34

Some of it remained, and Augustus expressed it in words which have been used in reference to probation from time to time up to this day:¹

There is, however, much opposition to the plan of bailing on probation. Those who are opposed to this method tell us that it is rather an incentive to crime and, therefore, instead of proving salutary, it is detrimental to the interest of society, and so far from having a tendency to reform the person bailed, it rather presents inducements for them to continue a career of crime; the law is robbed of its terrors, and its punishments, and there is nothing, therefore, to deter them from repeating the offence with which they were previously charged.

To such thinking Augustus replied:¹

The premises upon which such reasoning is based is incorrect. Individuals and communities generally are but too prone to infer evil of a class, if they but occasionally observe it in individuals; if a person who has been bailed, or received the leniency of the court, proves false to his promises of amendment, people are ever ready to predict that all others will conduct in a similar manner; and this they persist in believing, although instances are very frequent, even three to one, where such persons have become good citizens, and regain their former station and relation in society. I shall leave the matter for others to discuss and decide, but I am content, feeling as I do, that by such humane means hundreds of the fallen have been raised even by my humble instrumentality.

Augustus varied his answers to his critics. To some he said that for each person bailed to him a commitment to a house of correction was prevented. To those who understood social progress and justice only in terms of a dollar saved, he pointed out that the public was saved the greater expense of caring for the person in jail. When he was charged with cheating the jails of their rightful tenants, he replied that his form of treatment was more effective; that it saved the offender for his family and

¹ *Op. cit.* p. 99

for society and did not disgrace him forever as a commitment would. How modern is the sound of some of these charges that Augustus had to answer!

It was the court officers, the clerk, the turnkeys, and the process servers who were the first to oppose Augustus and who remained strongest in their opposition. Since their financial security was threatened in every case for which Augustus became bail, they lost no time or opportunity to show their displeasure over his work. For every person bailed by Augustus the officer lost the fee of either seventy-five cents or sixty-two cents payable on the taking of the offender to jail; the clerk lost twenty-five cents, and the turnkey was out forty cents. But Augustus was not deterred.

One of the early anonymous writers about Augustus' work disposed of the court officers in the following vivid words:¹

At that time (1847-48) police and other officers had a fee of 52 cents in every case of conviction upon their testimony, besides mittimus fees. Some of them were what is vulgarly called 'hard swearers,' and a poor man was hardly safe to meet them at night on the street, such was the risk of being hauled up for being drunk, so summary the trial and sentence, and so credulous and easy to convince were the authorities of the Police Court at the time. Mr. Augustus, in all proper cases, was ready with his bail, which gave the officers much annoyance, but happily Mr. Augustus received the sympathy of the Judges and press at the time, and after a full and earnest exposure of the evil of holding up bribes to perjury, the fees were disallowed.

Although the opposition of the court officers was discouraging, the judges and the press were friendly, and influential people in the community gave him both moral and financial support.

¹ *Letter Concerning the Labors of Mr. John Augustus, the Well-Known Philanthropist. From One Who Knows Him* Anonymous, published for private circulation, December 1858

Securing Funds

There is no evidence that Augustus was anything more than a man of limited means. To accomplish the work he felt called to do more money was necessary than he could provide alone. Much of it had to come from others. It did not come, as was charged, from his probationers. In December 1851 Augustus wrote:¹

... The first two years, 1841-42, I received nothing from any one except what I earned by my daily labor; in 1843, I received from various persons in aid of my work, seven hundred and fifty-eight dollars; in 1844-45-46, I received twelve hundred and thirteen dollars each year. I then gave up business at my shop, and for the last five years, my receipts have averaged, yearly, seventeen hundred and seventy-six dollars, all of which I have expended, and have not a dollar of this sum. The money which I have thus received came from kind friends to the cause in which I was engaged.

One group which gave Augustus financial support was composed of parishioners of the Unitarian Church of the Disciples which was founded in 1841 as a free church and of which James Freeman Clarke was minister. The church held Wednesday evening meetings, which resulted in founding or support for a number of Boston charitable movements.

One of the charities was the Temporary Home for the Destitute which was established in 1847 after Augustus had been invited to a Wednesday evening meeting of the church to tell the members of his work and of his need for a temporary home for children until more permanent plans could be made for them. Some of the members resolved to establish such a home and for the first few years Augustus was one of the managers. Today, although the home is no longer in existence, the Boston Children's Aid Association and the Boston Provi-

¹ John Augustus, *First Probation Officer*, op. cit. p. 103

dent Association proudly administer its funds, the one for the benefit of children in foster homes, the other for the benefit of children in their own homes.

Other institutions which John Augustus used for women and young girls in need of temporary care were the Stranger's Retreat and the Temporary Home maintained by the New England Female Moral Reform Society. The pages of the society's semimonthly publication, *Friend of Virtue*, make frequent reference to Augustus' work inside and outside the courts, to the girls and women he referred to the homes, and to the society's protective work. The work of this society is today centralized in the Talitha Cumi Home, a maternity home for unmarried mothers.

The busy life of the first career man in the field of probation came to a close on June 21, 1859. The morning after his death the *Boston Herald* summed up the meaning of his life and work in these words:

DEATH OF A WELL KNOWN CITIZEN. Mr. John Augustus died at his residence in Chambers Street, this city, last evening, after a somewhat protracted and lingering illness, superinduced by old age and a general prostration of the system from overtaxation of its powers. The deceased was well known in this community in connection with his benevolent exertions in behalf of poor criminals, the latter years of his life being almost entirely spent in ameliorating their condition by becoming bondsman for their good behavior, and providing means and opportunities that would tend to a reformation. . . . Possessed of a living income from means accumulated in business pursuits, the deceased was in a position to carry out the dictates of a generous heart, and those who knew him best, give him credit for sincerity of purpose, although there are many who saw nothing in his conduct toward criminals that was not the offspring of selfish motives. Undoubtedly, Mr. Augustus was the means of doing much good in his daily walks through our courts and penal institutions, and a charitable community will not be backward in revering his memory with this fact in remembrance. . . .

In the old brick tomb in the cemetery behind the Unitarian Church which faces the Lexington Common the remains of John Augustus were interred.

John Augustus' Successors

The next significant figure in the development of probation was John Murray Spear who was for a time a voluntary worker with Augustus in the courts. Their names were frequently coupled by those who favored and by those who criticized the work they were about.

In 1850 the *Bee*, a Boston newspaper, said:

There are classes of unfortunates in our city, and in all cities who find friends in a dark and evil hour; but we seldom hear of men whose benevolent labors extend to *all* cases where the least glimmer of hope in effecting a change for the better is noticed. There are two of these seldom-heard-of men in Boston, to our knowledge. We refer to John Augustus and John M. Spear, both of whom are constantly laboring to relieve distress. The theater of their labors is in the courts, the prison, in lowly hovels, in garrets and cellars, in lanes and streets. There is room for others to labor in the same field. . . .

When John Augustus published the account of his work, he said:¹

My age and general health will doubtless prevent in a measure my usefulness in this department of labor, and I most sincerely hope that some person will come forth and enter upon the work. I hope, also, that Mr. Spear will continue his labors and prosper abundantly, and to be well supported in his labors of saving the fallen.

Spear was not the great figure in the probation movement that Augustus was for a number of reasons. He was active in the Boston courts as far as I can determine only for the four years from March 1848 to March 1852. Even for those years he did not devote himself entirely to this work but was in addition a voluntary public de-

¹ *Op. cit.* p. 100

fender, a lecturer and traveler in the cause of court and prison reform, a prison worker, preacher and teacher, a tract distributor, and a worker with discharged prisoners. It was all voluntary work on his part; he was the agent of no society.

Spear's importance lies in the fact that he was for a time working in the probation field. His work, along with that of Augustus, attracted attention to the movement and helped to demonstrate its possibilities. In 1851 there appeared in the *Christian Register* an article called "John M. Spear—Reclaimable Offenders" which indicates a full appreciation of the meaning to the courts and to society of the work of Augustus and Spear and a prophetic vision of what the first and later probation laws were to make possible:

But there are many cases, in which the criminal can be relieved from the full consequences of his offence, without violating the majesty of the law or putting the interests of society in jeopardy. It is generally safe to forbear prosecution for the first offence if the offender can be placed under some form of remedial treatment. . . . We therefore regard the places filled by John Augustus and John M. Spear as essential to the full organization of our lower courts. Duties of this class might be reduced to legal form, and delegated to officers specially appointed for the purpose; but they are more likely to be impartially discharged, when they are the free-will offering of sincere philanthropy.

The next colorful figure in the probation movement was the Reverend George F. Haskins, a convert to the Catholic faith, who was the founder in 1851, and the first rector of the House of the Angel Guardian, the first Catholic asylum for boys in New England.

As Father Haskins had founded this refuge for dependent, neglected and delinquent Catholic boys, he appeared in Boston courts in behalf of children who were there on trial. How frequently he received boys on pro-

bation is not now known; but it appears he was active in the courts at times from 1851 until his death in 1872. He was determined to save boys from penal institutions.

In 1864 he published a report covering the work of the House of the Angel Guardian which sheltered three thousand boys from 1851 to 1864. To quote:

Visit the criminal courts and you will find representatives of another class. They are little boys on trial or awaiting sentence, some of them so small they have to be lifted up in order that the judge and jury may see them. They are too young! Yes, and despite their present position, too *innocent* to be treated as criminal, and to be herded with thieves and burglars. The judges themselves hesitate to commit them to prison, and are glad when they can find for them a suitable home where they can be placed on probation.

It is unfortunate that the reports of the House of the Angel Guardian do not reveal more of the work of Father Haskins in the courts and the details of his probation work. A report of the Board of State Charities in 1868 gives us an additional glimpse:

. . . It [the institution] receives boys between the age of nine and eighteen, retains them an average period of a year, and discharges them to places or to their friends in this and other states. Seven out of nine of these boys are orphans, and nearly a third have been brought before the courts and bailed by Father Haskins, the Rector of the institution. . . .

Father Haskins' probationers were not in the community as were those of Augustus, Spear and Rufus Cook of the Boston Children's Aid Society whose probation work was marked by the most careful supervision of his charges in the community.

In 1863, four years after the death of John Augustus, the Children's Aid Society of Boston was founded. From the very beginning it entered the probation field, and its careful work year by year in that field both before and

after the early probation laws gives it a high place in the history of probation and in the prevention of juvenile delinquency. That high place is due to the devotion of two of its workers, Rufus R. Cook and Miss L. P. Burnham, who saw in probation great possibilities as a treatment process in the rehabilitation of juvenile offenders.

The judges were willing to place children on probation with the assurance which Rufus Cook could give of careful oversight and supervision. Although Cook was generally concerned with children in the courts, at times he worked in behalf of adults. He was in daily attendance at the police court as well as at the monthly sittings of the superior court in the interests of juvenile offenders. In the police court boys were placed on probation to him for six weeks while the probationary period in the superior court was for six months. His work with delinquents is marked by the thoroughness and the friendliness of his investigation, supervision and guidance. The boys were required to report to him at his home or at the court every week or two.

As he was in daily attendance at the courts and had responsibility for an ever increasing number of probationers, he could not have done careful work in every instance if it had not been for the able assistance rendered him in the work by Miss Burnham. Before probation was imposed she assisted Cook by looking into the previous character and the homes of boys who were appearing for trial so that he could select likely subjects for probation. After probation was imposed she helped in his rehabilitation program.

In the history of the development of probation Miss Burnham is important because of the thoroughness of her work, because she was, as far as can be discovered, the first career woman in the probation field, and be-

cause her work was a precedent for the position which women were later to occupy in the probation field. Together and in partnership, Cook and Burnham were active in the field for some years after the first probation law of 1878.

The plan of the Children's Aid Society for its work in the courts, the attitude of the courts toward it and toward Cook, and the procedures followed were outlined in 1863 in the first pamphlet published by the society as follows:

Still better, we can save from imprisonment many juvenile offenders by providing them with an opportunity to leave the city, where they are exposed to temptation; and to show that they are willing to lead upright lives. Every judge in this State will listen eagerly when he is requested to place a young offender on probation if he can be assured that a proper home and proper care can be secured for the endangered child. In such cases, low bail is fixed; the agent of the Society, or some member of its committee, is accepted as surety; the child is placed in some country town, and employed in an honest occupation. After a sufficient length of time, if a good report is made, the surety is discharged, the offender's liability ceases, and the Commonwealth has gained a useful citizen instead of having imprisoned a child and manufactured a criminal.

Of his work for 1870 Cook wrote as follows:

I have bailed, during the year, about four hundred and fifty persons of all ages, from sixty down to little children. One hundred and sixty-four of them within the last three months. I judge that eighty-seven per cent of these persons, put on probation, have done and are doing well.

State Auspices

Another important foundation in the building of the probation structure in Boston and Massachusetts was in the work, under public authority, of Gardiner Tufts and his associates in the State Visiting Agency of the

Board of State Charities of Massachusetts. The year 1869 marked the beginning of the probation aspects of the work, and with it the beginning of public responsibility in the probation movement. This venture was in the interests of juvenile delinquents only.

Chapter 453 of the Acts of 1869 was of outstanding importance in the development of the probation movement. It directed notice to the Board of State Charities, and the appearance of its visiting agents in all courts throughout the Commonwealth except the superior court, whenever application was made for the commitment of any child to any state reformatory. If the magistrate thought it wise, he might authorize the Board of State Charities to place the child in a suitable family.

In accordance with this act, the Visiting Agency was established in July 1869. Lieutenant Colonel Gardiner Tufts was appointed chief of the Visiting Agency; and with assistants he set out to organize the work imposed by the act.

As soon as Tufts became active in the courts another chapter in probation history opened. It was natural that in the course of his attendance at hearings and the preparation he had to make for the intelligent exercise of his authority, he should find juveniles whose needs were best served by probation and that he should make such a recommendation.

Subsequent legislation authorized Tufts and his assistants to appear in behalf of almost all children under seventeen who were accused of crime. Their function in the courts, and early signs of agitation for such a program under public auspices for adults, are described in the *Seventh Annual Report of the Board of State Charities* as follows:

The appearance of some qualified person in courts as 'the friend' of children accused of crime is so just a provision that

it seems strange that it was not instituted before. Let it be understood that the Visiting Agent does not appear to raise nice points of law or to defeat the ends of justice by any technical defence, but simply on behalf of the state to prevent imposition, defeat any conspiracies of unnatural relatives to get rid of the encumbrance of supporting young children, and to suggest to the Court what is the best provision that can be made with reference alike to the good of the child and the protection of the community. He is in this capacity at once the friend of the Court, *amicus curiae*, as well as 'the next friend' of the child. Some reformers of the criminal system have urged such a provision for all accused of crime, but whatever may be the merits of that view there can be no question that it is needed for children who do not know the world.

These words present a clear-cut description of the function of the probation officer, voluntary and official. It was to be less than ten years before, under the first probation law of 1878, a similar person would appear in the courts under public authority in behalf of adults.

Even after the State Visiting Agency had been working in the probation field for five years its action did not meet with the approval of all, as the eleventh report indicates:

The policy of putting juvenile offenders on probation... has been somewhat strongly declared against; but the results of its working for a period of five years, as shown by the statements, are very satisfactory, and are altogether favorable to it as a method of dealing with a large class of juvenile offenders. The restraints of probation proved to be sufficient, in most cases, to deter from a repetition of offence, while it left no indelible offensive mark upon the offender, to be observed and remembered against such person in after years.

In the fifteenth annual report when the agency reviewed its work in the courts for nearly ten years, up to October 1878, it found that there had been 17,136 complaints against juvenile offenders of which it had

had notice, the hearings of which it had attended, and of which it had records. It found that 4392 children, about one-fourth of those involved in the complaints, were placed on probation.

When in the Massachusetts senate, in the year 1878, the Hon. Michael J. Flatley arose and offered an order requiring the committee on judiciary to inquire into the desirability of the appointment of a probation officer for the county of Suffolk, he was initiating the first probation legislation anywhere in the world. The committee on judiciary presided over by Charles Theodore Russell reported a bill which resulted in the appointment of a probation officer for Suffolk county courts.

Chapter 198 of the Acts of 1878 directed the mayor of Boston to appoint a person to attend Suffolk county criminal court sessions "to investigate the cases of persons charged with or convicted of crimes and misdemeanors, and to recommend to such courts the placing on probation of such persons as may reasonably be expected to be reformed without punishment."

The first probation officer appointed under the act was a police officer. It is sometimes incorrectly stated that the first statutory probation officer was Edward H. Savage, who for many years was chief of police in Boston. The honor belongs not to him but to Lieutenant Henry C. Hemmenway, of the police department, who was appointed by the mayor in May 1878 and who entered on his duties on June 1, 1878. However, Lieutenant Hemmenway was not to remain long in his new position. His promotion to the captaincy of the Boston police in October of that year caused the mayor to appoint Edward H. Savage to fill the vacancy.

At the seventh National Conference of Charities and Corrections held at Cleveland in 1880, Warren F. Spaulding, secretary of the Massachusetts Board of Com-

missioners of Prisons, read a paper on "Some Methods of Preventing Crime" in which he said:

Massachusetts is engaged in the trial of an experiment, which deserves the careful attention of those who would accomplish this purpose. The claim of novelty can hardly be made for it, for it has been tried for many years by consent of our judicial authorities, but without the sanction of law. The Commonwealth has now given the sanction of statute to the experiment and will see that it has a thorough trial, under the most favorable auspices.

He then went on to describe the place in the probation movement occupied by John Augustus, Rufus Cook and Captain Savage. The experiment John Augustus and his successors made in the probation field received the sanction of the law first in Massachusetts. From that time to this, probation by statute has spread far and wide.



The Common Law Background of Probation

FRANK W. GRINNELL

Secretary, Massachusetts Bar Association, Boston

THE common law of civil rights and wrongs developed in the course of centuries largely by the action of judges reflecting the customs of the English people and after 1630 of the people of New England, and the dominant thinking behind those customs. Like other rules the common law hardened into strict habits of thought which as modern life became more rapid and complex often produced injustice. To counteract this result the parallel system of law known as "equity" gradually developed under the administration of the chancellor, who was described as the keeper of the "King's conscience." The common law judges were jealous and the community often suspicious of the equity courts. The rules they administered in the early days were said to vary with the length of the chancellor's foot; but the sounder thinking about the principles of justice, guided by the legal imagination of able judges and lawyers, gradually prevailed.

About the middle of the eighteenth century, a similar equitable development of the criminal law began very slowly in the face of ridicule and abuse. We are still in the midst of that development and the organized system of probation is one of the outstanding examples of what has been called "criminal equity." How did all this happen?

We are all familiar with the saying that "what is everybody's business is nobody's business," and as we trace civilized progress we realize that individual think-

ing and effort like that of John Augustus must come before the collective thinking of a community is possible. It may be the thinking and effort of an Adams, a Jefferson, a Washington, a Lincoln, an Edison, or on the less conspicuous levels a Fielding, a Thacher or an Augustus—in other words, we all gradually respond to the minds and characters of individuals. As Emerson said in his lecture on the *Uses of Great Men*, "I cannot tell what I would know; but I have observed there are persons who in their character and actions answer questions which I have not skill to put."

A few years ago, in the course of casual reading, I ran across this passage:¹

"With the advent of Christianity, pity had been proclaimed a virtue; but it failed to conquer the unregenerate barbarity of man and it disappeared—in spite of countless heroic and consecrated lives. . . . In the Middle Ages sin was studied and analyzed with extraordinary subtle thoroughness; but cruelty almost escaped notice . . . and our ancestors had undeveloped minds on the subject. The ancient world was grossly and unimaginatively cruel. No principle of Christ has been longer in obtaining whole-hearted acceptance than that which is obtained in the saying, 'Be ye merciful, even as your Father is merciful.'"

About the beginning of the seventeenth century Shakespeare published the famous lines of Portia about "the quality of mercy." When we consider the extent to which those lines were read, studied, quoted and listened to on the stage during the eighteenth and nineteenth centuries, I believe it may be said without exaggeration that they place Shakespeare among the modern reformers of the criminal law. But that germ was slow in its operation.

The witchcraft and other persecutions, the tortures

¹ Percy Dearmer *The Legend of Hell* Cassell, London, 1929

and brutality of punishments for offenses great and small, vicious, political and civil, including civil punishment for debt, continued until the writing of the Marquis of Beccaria (an Italian) and others, and the heroic investigations of John Howard in English and European prisons stirred the souls of men like Jeremy Bentham and Sir Samuel Romilly to protest.

There was no police force worthy of the name; vice and crime were rampant in the larger cities and only slightly controlled by an inadequate judicial system in which the justices of the peace, often corrupt and known as "trading justices," served as the arms of the law.

Early in the eighteenth century Henry Fielding, probably the wittiest Englishman of his day, began to entertain the English people with his plays. Later he turned to political satire and journalism, striking at shams and abuses of all kinds, and finally about 1737, as Henley says, "hit out" at Sir Robert Walpole, then prime minister, "with so quick a fist and so long and vigorous an arm" that to protect himself the prime minister appealed to the House of Commons and the first licensing act was passed, against the opposition of Lord Chesterfield, to check the pen of Henry Fielding.

Deprived of his means of living temporarily, Fielding turned to the law, became a barrister and was made the principal justice of the peace in London about 1848—the year in which he published *Tom Jones*—and became, in Sir Walter Scott's words, "the father of the English novel." In the next six years before his death at the age of about forty-seven, he set a standard of honesty and character, firmness and mercy, as a police magistrate; organized, on a small but effective scale, the first modern police force; broke the gangster rule in London; and with the aid of his blind brother John, who succeeded him as a magistrate for thirty years and knew the pro-

fessional crooks of London by their voices, laid the foundation of ideas for Scotland Yard and the modern police tribunals,—seventy-five years ahead of Sir Robert Peel, who carried out the Fieldings' ideas.

Henry Fielding died in 1754, a victim of gout and overwork in the public interest, but as has been finely said, "a dying man who enjoys every moment that can be enjoyed, forgives everything than can be forgiven, laughs at everything than can be laughed at, and bears with equanimity what is almost unbearable,"—one of the heroes of legal history.

His blind brother, less brilliant but more methodical than Henry, carried on his work, in the course of which he began experiments with juvenile delinquents. "It is certain," he said, in dealing with some thieving boys, "that sending boys to prison is much more likely to corrupt than reform their morals." Believing that "prevention and not punishment" was "the first principle of police," he organized two charities for deserted boys and girls in London, which are still in existence.

Meanwhile, some of the crude methods of the common law operated to some extent to mitigate undue severity. The ancient practice of "binding over to good behavior" was really a form of probation, and another method was the "benefit of clergy." Beginning as an ecclesiastical privilege of priests in the civil courts, it was gradually extended as a class privilege to all who could read, so that a convicted man who could read and who claimed the "benefit of clergy" on a first offense, was burned in the hand and released. The two British soldiers convicted of manslaughter after the "Boston Massacre" in 1770, were thus branded and released. It was a crude proceeding, but it reduced to some extent the sum total of injustice.

Coming to the nineteenth century in Massachusetts,

Peter Oxenbridge Thacher, of a line of public-spirited men, grew up as one of the thoughtful lawyers of his day; became one of the founders of the great library known as the Boston Athenaeum; was familiar with the work and writings of Howard, Bentham, Romilly and others; and in 1820 was appointed judge of the municipal court of Boston,—a criminal court, sitting with juries, having jurisdiction of all crimes not capital. He served in that court until his death in 1843. He became one of the leading judicial administrators of the criminal law, many of whose opinions have been preserved in a volume still of value, entitled *Thacher's Criminal Cases*, published after his death. That volume shows that at least as early as 1831—and probably earlier—he began to experiment occasionally with the probation idea in deserving cases when he could find a humane sheriff or constable or other person to assume some supervision of a young offender. His court was a higher court than the Boston police court, in which Augustus subsequently began his work in a better way and on a broader scale; but his practice was known and it was undoubtedly the humane precedent thus set by Judge Thacher which led the Boston police court in 1841 to give Augustus the chance to begin his work, for without such judicial co-operation and authority he could not have done it.

All this happened because the common law judicial function in a criminal case is not exhausted until the sentence is finally imposed. In all the Massachusetts courts prior to the probation statutes of the late nineteenth century, it was the practice to administer probation as an orthodox common law idea *before* sentence. That is still the practice in the superior court and was the practice in the federal courts of the first judicial circuit for sixty years prior to 1915 when the Supreme Court of the United States, by what I believe to be an

erroneous dictum in the Killits case,¹ stopped all federal probation until Congress passed a probation act a few years later.

While we are deservedly celebrating the pioneer of organized modern probation on a large scale, let us not forget the Massachusetts judge who helped to make his work possible, or the gradual influence of humane crusaders during the previous century who helped to educate both Europe and America, or in our modern advertising slang, to "sell" the "quality of mercy" to the people of both hemispheres.

Charles Dickens continued the work and is now classed by experts as a legal historian, a criminologist and a reformer. With the current revival of the brutal absolutism of more barbarous centuries in different parts of the world, it is well for us to remember that the principle of mercy is still young, according to Robert Browning's calendar of "God's instant men call years," and still needs nursing for the protection of society.

¹ *Ex parte United States* 242 U. S. 27 (1916)



The Development of Probation

CHARLES L. CHUTE

Executive Director, National Probation Association

“**T**HROUGH the past and present immense and ugly wilderness of man's inhumanity to man,” said A. J. Carlson at the last meeting of the American Association for the Advancement of Science, “there runs a trail, at times scarcely discernible but still a trail, blazed by the search for understanding, occasional kindness and the groping for justice.”

We are following such a trail today. We are paying belated tribute to a man who sought not to judge but to understand the erring. The heart of John Augustus was filled with kindness and pity for the unfortunate. He had an unshakable belief in the value of every human soul. He believed in the possibility of reclamation of even the most depraved by means of kindly, understanding treatment. He acted on his beliefs. His principles are essentially religious and eternally true. One hundred years of experience in the constantly expanding work of probation in courts all over the country have proved that they work.

The man whom we today honor, John Augustus, was, I am convinced after reading all that he and others have written about his labors, a unique figure. Not only was he the first to use the term “probation” but he was the first to demonstrate its practical success and such a demonstration as he gave in the courts of this historic city was required to launch this great movement. His principles influenced and inspired many other volunteers and representatives of agencies, public and private, who came

after him. They led to the demand for salaried probation officers, provided in the first probation act of 1878.

He was a truly great character. It was said of him that he "was possessed of undying energy." A contemporary wrote, "He had a kind word and a charitable act for even the vilest offender, regardless of race, nationality or social position. He never refused the pleas of those who knocked at his door."¹ Another wrote, "Toward the unfortunate his heart was full of pity and all its kindest feelings were exercised in alleviating their distresses."² He was the first to develop the essential methods of probation: investigation, selection of cases, interviewing, case work in the home, child placement, detention, and cooperation with schools, employers, institutions and social agencies.

If any of you doubt that his method was essentially probation case work, let me quote a description of it published in the Boston *Daily Star* in 1847. After recounting his work with innumerable cases of men and women whom he befriended, the item continues: "The most interesting and pleasing achievements of Mr. Augustus have been his interferences in favor of vagrant, pilfering boys. In three instances he was perfectly successful. The boys were indicted in the municipal court for stealing. More wretched and abandoned looking objects were never seen, yet Mr. Augustus undertook to save them. He went bail for them; had them cleaned and dressed up and sent to school, and after keeping run of them for six months he produced them in court perfect models of decent boys. Judge L. S. Cushing, satisfied that they had been reclaimed, allowed them to go without trial."³

¹ *Letter Concerning the Labors of Mr. John Augustus, the Well-Known Philanthropist, From One who Knew Him.* Anonymous, Boston, 1858. The book was presented to the Boston Public Library by the Hon. Edward Everett, June 21, 1859.

² *John Augustus, First Probation Officer* (reprint of *A Report of the Labors of John Augustus* Boston, 1852) National Probation Association, 1939, p. 53

³ *Ibid.*, p. 65

This is probation and it is also part of the beginning of child welfare work in this country. John Augustus pioneered in placing delinquents in detention or boarding homes and in the establishment of special institutions for neglected children and "unfortunate females." His work contributed to the development much later of juvenile courts and organized probation and parole departments.

Let me quote to you the report of the committee of the Massachusetts legislature in 1845 which contains an official estimate of the man: "Among the names of the benefactors of their race few deserve a higher place than that of John Augustus; and in the day when God shall judge men 'according to the deeds done in the body,' when 'they that turn many to righteousness shall shine as the stars forever and ever,' that record will confer upon it an honor more enduring than attaches to many of the proudest achievements of statesmen or warriors."¹

After he had spent his life and his substance in work for the unfortunate Augustus said, "The blessing of the friendless is the only coin that is current in the better country." And a great statesman of his day, Wendell Phillips, thus appraised the services of this humble servant of humanity, "More of the right kind of education and proper treatment is demanded for the unfortunate classes of the community. By and by the wisdom of the legislature of this Commonwealth will become satisfied of these now unpopular truths, and will be glad to light its public torch at John Augustus' candle."²

In rendering tribute, however, to this pioneer of probation we must not overlook the contributions of many others, known and unknown, who developed in America and elsewhere a more humane and scientific penology.

¹ *Op. cit.* p. 32

² *Ibid.* p. 62

Many followed the trail that John Augustus blazed. In Boston John M. Spear began a similar work in the courts seven years later. Augustus had hoped that this man would carry on where he left off, but Spear was active in the courts for but four years. Then came the Reverend George F. Haskins of the House of the Angel Guardian, working with Catholic boys; then Rufus Cook, known as "Uncle" Cook, chaplain of the Suffolk county jail, and other agents of the Children's Aid Society, founded in 1863. The children's agents of the Board of State Charities began a type of probation work with children under the Massachusetts Acts of 1869 and 1870. Through these and other workers in the courts the value of probation supervision was amply demonstrated.

The First Probation Law

The first probation law in the world, sponsored by Michael J. Flatley, senator of Suffolk county, a man who had long been interested in the welfare of prisoners was passed in 1878. It provided only that the mayor of Boston should appoint annually from the police force or citizenry one probation officer to be paid a salary fixed by the city council. He was to serve under the chief of police and report to him. No new power or method was established in the courts differing from what they had long exercised through unpaid workers.

It is a fact, sometimes overlooked, that the first official probation officers were not controlled in any way by the judges but by the chief of police. The officer was required to attend all criminal courts, to investigate cases and to recommend to the courts, in the words of the statute, "the placing on probation of such persons as may reasonably be expected to be reformed without punishment." It is interesting that probation from the start

was not thought of as punishment but as a helping hand. The probation officer was required to visit and assist offenders placed on probation.

The first two probation officers in Boston were police officers. Two years later in 1880 the power to appoint a probation officer was conferred on the aldermen of other cities of the state, or the selectmen of any town. It is said that there was very little use made of this power but we know that some of the cities around Boston appointed officers.

Eleven years later in 1891 a new and very different probation law was passed. It was sponsored by the State Commissioners of Prisons and was drafted by Warren F. Spaulding, the active secretary. The new feature was the mandatory appointment of probation officers by the judges of all the lower courts, who were empowered to fix their salaries, subject to the approval of the county commissioners.

The provision that these officers should not be active members of a police force was a reversal of policy. The requirement for monthly reports to the State Commissioners of Prisons established for the first time in this country the principle of state supervision of probation work.

Seven years later in 1898 the Superior Court was also authorized to appoint probation officers and was given full power to fix their salaries. The framework for probation in all courts of the state had been erected but much superstructure was needed to complete the building.

Probation in Other States

Meanwhile, what had gone on in this field in other states? We know that the Massachusetts experiments had aroused much interest and discussion but little legis-

lative action establishing probation before 1898. No doubt there were volunteer workers in other states but little is known of them.

As early as 1873 the state of Michigan followed Massachusetts in providing state agents, afterward known as county agents to investigate all cases of delinquent children, to place them out in homes or supervise them in their own homes. In 1875 the New York Society for the Prevention of Cruelty to Children was started by Henry Bergh. It began work with neglected and delinquent children which later developed into a form of probation in the courts of New York and other cities.

In Baltimore agents of the Prisoners' Aid Society were active in the criminal courts, using a form of probation under a statewide law passed in 1894 authorizing nominal probation.

In 1897 a bench parole law (virtually a probation law) was enacted in Missouri which resulted in the appointment of probation officers (miscalled parole officers).

But the second state to enact a real probation law was Vermont, in 1898, followed by Rhode Island, and by Minnesota (with a juvenile probation law for the larger counties) in 1899. The Rhode Island law established for the first time a state paid and controlled probation system.

That same year, 1899, the juvenile court movement, utilizing the probation system as its chief cornerstone, started in the west with the first juvenile court law in Illinois, and the Colorado School Offenders Act under which Ben B. Lindsey began his pioneer work. The legal development of juvenile courts and probation service since then has been continuous and fairly rapid. From only three states with adult probation laws and two with juvenile probation previous to 1900, the number grew to thirty-four states and the District of Co-

lumbia with juvenile probation, and eleven with adult probation at the close of 1907, the year the National Probation Association was started. Ten years later in 1917, every state except Wyoming had a juvenile probation law and twenty-one states and the District of Columbia had adult probation. In every biennium since then new state laws have been passed extending the probation system to new states or strengthening existing systems. This year was no exception, the number of new laws passed or pending being greater than ever before.¹ To date this year new or improved laws have been passed in the legislatures of twenty-eight states. Every state has now established juvenile courts except Maine and Wyoming. Three states, Florida, South Carolina and Wyoming, established statewide adult probation service this year for the first time. All except six states now have adult probation laws.

The first federal court probation law was passed in 1925 as a result of a hard fought campaign by this Association. The United States courts had long lagged behind the state courts in developing probation services. Work in the federal courts began gradually with only a few officers employed, but with the establishment of a supervising office in the Department of Justice in 1931, the service advanced rapidly until today federal courts in all except two districts of the country have paid full time probation officers.

Great advances have been made during the last ten years in the extension of state supervision and administration of probation. This Association has always urged the importance of enlisting state aid and a measure of state control to make probation statewide and to develop higher and more uniform standards. Completely state administered probation under a state board was estab-

¹ See summary of legislation, 1941, p. 389.

lished in Rhode Island in 1899, in Utah for juvenile courts in 1907, in Wisconsin in the adult courts for felony cases in 1909 (Milwaukee county excepted in 1911) and in Vermont in 1917. Beginning in those four states, the number of states where today a state board or department appoints and provides the salaries of state probation officers has increased to twenty-one. In eighteen of these states probation and parole administration have been combined. Although the larger states which developed probation earlier and more extensively still retain the system of local control and appointment by the judges, that is the states of Massachusetts, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois and California, practically all the other states in their more recent laws have adopted the system of state controlled probation, and most of them have combined adult probation and parole services. The Professional Council and the Board of Trustees of the Association have gone on record as favoring this development for states that have not established systems with local control. We recognize the great advantages of a system which makes possible statewide coverage with uniform high standards of appointment, training and supervision, and which makes available the resources of the entire state. On the other hand we know that these advantages will not come automatically but must be developed, and that the dangers of state political control, inadequate appropriations, spreading the work too thin, and bureaucracy must be carefully guarded against.

So much for the legislative developments. But what of the more important matters of personnel development, selection and training, and improved techniques? Here we must give the greatest credit to the state probation commissions and boards which have worked to extend probation within their state areas and to improve per-

sonnel and standards. Aside from the growing number of states above referred to which now administer the service through state paid and state controlled officers, we have states with probation departments or bureaus having advisory or supervisory powers over the locally appointed officers. New York was the first state to establish such a commission in 1907. Two men are chiefly responsible, one the honorary chairman of our Centennial celebration this year, Chief Justice Charles Evans Hughes. While he was governor of the state of New York the probation commission was established and he appointed as its first chairman a pioneer in many fields of social advance, Homer Folks, secretary of the New York State Charities Aid Association. The commission in New York, now a division of the State Department of Correction, has done active service for probation in that state for thirty-four years, and its work has influenced the extension and improvement of probation services in many other states. The National Probation Association owes much to the New York State Probation Commission for sponsoring its development in the early days.

The Massachusetts State Board of Probation was the second such state supervisory department. Appointed by and closely related to the judiciary, it has worked through cooperation with the judges and their probation officers to bring about a complete coverage of the state and close coordination between the officers that is not excelled anywhere. Mention should be made of the work of the Indiana Probation Commission, which in addition to aiding and coordinating the work of probation officers in that state, also conducts qualifying examinations for the appointment of all probation officers. Today not less than twenty-eight states have established a department or bureau to supervise or assist in the development of probation work. Every state should have such an agency.

Besides the state bureaus, credit must be given to the large, well-organized city or county departments which have acquired adequate staffs and budgets and have demonstrated what probation work ought to be in a given area. These departments in the large cities like Boston, New York, Newark, Philadelphia, Pittsburgh, Buffalo, Detroit and Los Angeles, with the aid of progressive judges and experienced chiefs or directors, have obtained results which are an example to the more backward cities. With the enactment of new laws, the extension of state aid, and better public appreciation of the importance of the service, the number of probation officers has constantly increased. There are now 5366 of them in the country, according to our latest directory, most of them salaried, although salaries, like training and standards, vary greatly. In spite of many new and improved laws, more and better qualified officers in many jurisdictions, improvements in methods of selecting workers, and better supervision of their services, we still have a long way to go before we can reach the ideal of a trained probation officer available to every court, an adequate social diagnosis of every case, and good probation supervision for every offender capable of responding to this treatment.

I should like to tell you of some of the signal advances which have been made in improving methods and organization of the work but that is beyond the scope of this paper. I can only summarize some of the principal trends and point out our major present needs.

I believe our greatest advance in recent years is due to a growing appreciation in many states of the need for special training for probation officers, both before and after their appointment, and an increasing demand for the selection and retention of qualified personnel. Probation work is gradually becoming a profession. Officers are more and more being selected through qualify-

ing examinations. The number of states which are adopting civil service for this purpose is slowly increasing. There are now eight of them. In addition, judges and state boards are increasingly adopting examinations as a basis for appointment and are getting away from political appointments and removal. But political interference is still our most serious handicap in many quarters, making it impossible to develop probation as an honorable profession which competent and well-educated young men and women may enter, confident that they may remain in the service, may have a chance to advance, and when they retire may look forward to an adequate pension. More schools of social work are now preparing men and women for probation and parole.

Coordination of probation with the work of local and state clinics is advancing; so also is a better division of labor and more effective cooperation between probation and public welfare departments and all social agencies.

Probation work suffers from many limitations today. These are found in the laws which mistakenly attempt to curtail the use of probation on grounds of the age of the offender or the seriousness of the offense committed. Salaries paid are frequently most inadequate. Too heavy case loads are the rule, not the exception.

Because of these limitations and because we have not sufficiently developed scientific methods for selecting and training personnel, untried schemes are being proposed when what we need is to continue to develop our service in ways that have proved their worth.

The ideal of justice and constructive treatment for all unadjusted men, women and children in the courts, demonstrated here on the eastern seaboard one hundred years ago, has traveled westward and borne fruit in devoted service to humanity all over this broad country.

Perhaps we may at times become discouraged that

progress is no faster, that we suffer from frequent setbacks, that politics and public indifference or misunderstanding too often limit the progress of our profession. But think what advances have been made since the days when John Augustus drove about this city in his chaise, striving alone to mitigate the cruelties of a harsh and inhuman penal system. Then think how far his ideals and methods have extended and what changes for the better in our whole system of dealing with offenders have resulted!



The Social Background of Probation and Parole

WILBUR LAROE, JR.

*Member, Board of Indeterminate Sentence and Parole,
District of Columbia*

THERE is a tendency, I think, to consider the machinery and the everyday problems of probation and parole without giving enough thought to the philosophy underlying them. In these days when there is a trend in many parts of the world toward elevating the state to a position of mastery and toward subordinating the individual to a position of servitude, it may be helpful to consider briefly the history of parole and the true philosophy underlying all our work in this great field.

There is no greater question before the world today than what rights the individual shall have and what his relationship shall be in society. In some nations human rights as we know them have all but disappeared. I have just been reading an article to the effect that lawyers have practically disappeared in Russia, in Germany and in France. What does it profit a people to have lawyers if there are no rights to protect?

I know of no more appropriate time than this to rethink the whole philosophy of parole and probation in its relation to human rights. While in some nations no person, however exalted his stature, can be entirely sure that he has any rights as against the state, we who have the God-given privilege of living in America know what care is taken to preserve even the rights of offenders.

Just a word about the history of parole. As early as the year 1704 Pope Clement XI placed the following in-

scription over the entrance to Saint Michael's Prison in Rome:¹

Clement XI, Supreme Pontiff, reared this prison for the reformation and education of criminal youths, to the end that those who, when idle, had been injurious to the state, might, when better instructed and trained, become useful to it.

During the same century the burgomaster of Ghent, Belgium, established a prison for convicts which he based on the following principles:²

Reformation is a primary end to be kept in view; hope the great regenerative force; industrial labor a vital force for the regeneration of the criminal; abbreviation of sentence and participation in earnings an incentive to diligence, obedience, and self-improvement; the enlistment of the will of the criminal in his own moral regeneration, in the new birth to a respect for law; the mastery by every prisoner of some handicraft as a means of honest support after his liberation; the use of the law of love and love in law as an agent in prison discipline; and finally the careful education and industrial training of the children of the poor and of all children addicted to vagrant habits or otherwise in peril of falling into crime.

In England the first trace of parole seems to have been the system of indenturing prisoners, who were removed from the institutions and placed under the supervision of masters or employers. If they did not behave properly, they could be returned to the institution. This may have resulted in a form of semi-slavery for the prisoners because it is probable that the master or employer was the judge as to whether the offender should be returned to prison. However that may be, the system of indenturing prisoners, especially juvenile delinquents, was followed in England for a considerable period.

In Spain it happened to be an army officer who pio-

¹ *Attorney General's Survey of Release Procedures* Vol. IV Parole, U. S. Department of Justice, 1939, p. 5

² *Ibid*, p. 6

neered in prison reform. In 1846 Colonel Montesinos, who for a time was in charge of the prison at Valencia, said in a pamphlet which he published:

The maxim should be constant and of universal application in such places [prisons] not to degrade further those who come to them already degraded by their crime. . . . The moral object of penal establishments should be not so much to inflict punishment as to correct, to receive men idle and ill-intentioned and return them to society, if possible, honest and industrious.

Parole Beginnings

The first approach to parole in actual practice seems to have been the ticket of leave system adopted in Australia. In the year 1837 an investigation by a committee of Parliament led to the establishment of a system whereby the convict upon his arrival in the penal colony was first placed in a chain gang at hard labor. If his conduct proved satisfactory his status within the colony was gradually improved from time to time—in other words, he was promoted from one group to another according to his behavior and his progress. Here we seem to have the beginning of classification of prisoners. When he became ready for release he was given what was called a "ticket of leave" which authorized him to seek private employment from the free settlers in colonial territory, and after a reasonable time of good behavior while in possession of this ticket of leave, he was granted complete pardon. Here you will see not only the germ of classification but also the germ of parole.

In our own country at about the time of the American Revolution certain philanthropic societies began to assist ex-prisoners in adjusting themselves to community life.¹ This work with prisoners was solely on a philanthropic or charitable basis. Massachusetts seems to have been

¹ Edwin H. Sutherland *Criminology* Lippincott, Philadelphia, 1924, p. 524

the first state to recognize the obligation of the state to provide care for discharged convicts. In the year 1845 a state agent was appointed with responsibility for looking after released prisoners and with public funds at his disposal with which to assist ex-prisoners in securing employment, tools, clothing and transportation. A little later a similar agent was appointed by the state of New York who pointed out in his reports that his work could be greatly improved if the state would retain custody over the prisoners for some time after their release, and he suggested that the good time allowance should be merely a release from the institution, but not from custody. This seems to have been the beginning of the idea of retaining custody over the prisoner after his release and using a part of his period of sentence as a basis for rebuilding him.

You are so familiar with the later developments in the United States including the experiments in rehabilitation at Elmira Reformatory that it is not necessary for me to recite the details. Suffice it to say that shortly after the Civil War rehabilitation and parole began to find solid footing here so that by 1877 the process had been fairly well established in Elmira, by 1880 in Massachusetts, and by 1887 in Pennsylvania.

The Worth of the Individual

So much for the history of parole. Running through the entire history will be found an indication of the faith of men in the essential worth of the individual. The very cornerstone of our faith is that men are essentially good and that when they are guilty of antisocial behavior it is usually possible to find some abnormal factor in their environment which led to their undoing. Experience has taught us that the average man wants to be socially use-

ful, wants to be honored and respected by his fellows. We know from our studies of thousands of cases that most crimes have their origin in a condition over which the individual has little if any control.

A philosophy resting as does ours on the essential worth of the individual, is sorely needed at a time like this when men by the millions are in such despair that almost voluntarily they bend the knee to the dictator. Hitler's cardinal sin is not the making of war or the conquest of nations; his crime is the denial of human worth—the brazen assumption that one man is naturally superior to another, that one type of blood entitles its possessor to claim mastery over his less fortunate fellows. It is this heathen philosophy that explains why in the nations under the domination of this international felon, man has been reduced to a place where he is a mere cog in a great superstate machine; and it is the same philosophy that explains race persecution on a scale hitherto unknown in the history of the world. Men, women and children by the millions are suffering the utmost cruelty, not so much because of war,—for men can stand the physical hardships of war—as because of a false philosophy which denies to men an honorable place among their fellowmen. When I see the untold suffering that is caused by this barbarous philosophy I join eagerly with Harold Laski in exclaiming that I would rather die on my feet than live on my knees; and at the same time I thank God that I live in a nation where men are still free, and that I am working in a social field in which all effort is bended toward making men better and toward lifting them to the natural plane of brotherhood on which all men should be laboring together for the common good.

The modern emphasis upon rehabilitation and the declining emphasis upon punishment are the resultants of a sound philosophy which has been built into the very

foundations of America. It means something more than freedom; it means a society in which men are equals, in which all are pulling together for the common good, and in which every individual is willing, even at cost to himself, to help the other fellow.

Life has been too easy for us in this country. Both our religion and our freedom have been bought at too low a price. The emphasis has been placed too largely on our individual progress. Even our education is acquired largely for the purpose of advancing us in life and landing us a good job. The typical American mother hopes that her children will be financially well off, that they will be well married, and that they will not have to worry. If we are to outdo Hitler we must educate our people to a less selfish emphasis. We must lay far greater stress upon individual duty, individual responsibility and individual sacrifice for the common good. We have been too inclined to regard freedom as synonymous with unobstructed individualism. In framing our new definition of freedom we must start with the basic truth that there can be no real freedom except in a society where the common good is given first place. It is perfectly possible to combine individual responsibility with individual freedom in such a manner as to accomplish our ideal of a truly great people, strong in character and pulling together to build a mighty democracy. But this result cannot be achieved if race persecution is to be a part of our national policy, or if something like the Father Coughlin philosophy is to prevail. Such un-American doctrines as his not only make for disunity instead of unity but they dangerously weaken our social structure. I sometimes wonder whether those who place too narrow an emphasis upon "America First" realize what injury they are doing to the cause of true democracy.

As the years go by I have a growing appreciation of

the value of religion as a vital factor in life. Its constant emphasis on the higher values is one of the most practical aids to the rebuilding of men. Once we accept the basic principle that we are all children of a God who is infinitely good, we have little difficulty in accepting the necessary corollary that none of us can have the temerity to claim essential superiority to our fellows.

But even religion has failed at times to lay vigorous stress on certain factors with which you and I must deal in our practical work in the field of probation and parole. I have in mind those social and economic factors which play such a tremendous role in human delinquency,—factors which the so-called offender is powerless to control. Nothing is more obvious to us who must deal every day with problems of delinquency than the fact that the same society which condemns a man is itself often more responsible than he for the particular antisocial behavior.

Not long ago there appeared before our board of parole a young fellow about eighteen years of age, small in stature, pale, meek, apologetic. So terribly bad was his juvenile record that we had no choice but to deny him parole. He was not a "safe risk," as we are wont to say. But I could not sleep that night. I knew that this pale, meek lad did not want to be a criminal. Something about his attitude—his pitiful attempt to smile, his genuine regret for his wrongdoing—gave me a determination to do something about it. So I decided to see his father and mother and talk it over with them. I called at his so-called home, a gloomy basement in a mixed colored and white section. In response to my knock at the door came a pale, neatly dressed girl of thirteen years. I asked if I might talk with Mr. Manton. Her eyes dropped and she replied half apologetically and half sorrowfully, "Daddy is not well today." I knew what that meant. "Can I speak with Mrs. Manton, please?" The eyes of

the little girl dropped still further and she replied, "Mother is away." I later found that her mother was in jail for bootlegging. Here was a tragic situation in which the whole burden of a broken and wretched home rested on the slender shoulders of a thirteen year old girl whose father was drunk, whose mother was in jail for bootlegging, and whose only brother was in prison for breaking into parked automobiles and stealing batteries.

Breathes there a man with soul so dead that he will say Harold Manton was the cause of his antisocial behavior? Is there anyone with heart so hard as to say that his little sister was responsible for the plight in which she found herself?

How soon will society learn the simple lesson that boys and girls cannot be expected to have a right attitude toward their fellows unless they have a real home, a home where love reigns and where the wolf is not constantly hovering around the door? One of the best statements ever made regarding the cause of crime is that of Dr. Hyman S. Lippman in his essay entitled "Emotional Factors in Juvenile Delinquency."¹ Says he:

A child who is not loved is insecure. Too often a child who has never been loved or wanted finds it difficult to accept and love others. Unfortunately he may develop a strong need to get even for being unwanted, with a resulting hostility towards society, and refusal to accept social standards. The rejected child of today develops into the criminal of tomorrow.

If I could wave a magic wand and convert every home in this land into a complete home where children are loved and where life is abundant, I could thereby eliminate most of the crime in the United States. Grace Noll Crowell expresses the thought much better than I can:

¹ Proceedings of American Prison Association 1938, pp. 271, 276

So long as there are homes to which men turn
At close of day,
So long as there are homes where children are
And women stay,
If love and loyalty and faith be found
Across these sills,
A stricken nation can recover from its gravest ills.

So long as there are homes where fires burn
And there is bread,
So long as there are homes where lamps are lit,
And prayers are said,
Although a people falter in the dark
And nations grope,
With God Himself back of these little homes
We still can hope.

Contributing Factors

Of all the factors contributing to unsatisfactory home conditions there are two so outstanding that they can be named without hesitation: the first is economic poverty; the second is liquor.

Thurman Arnold, monopoly-fighting expert for the Department of Justice, in his recent book entitled *Bottle-necks of Business*, includes a striking chart or diagram shaped like a pyramid in which he classifies the 29,000,000 families of the nation according to their economic status. This chart is enough to make the blood boil in any man who appreciates, as you and I do from our experience, the inevitable relationship between crime and economic distress. The lowest block in Mr. Arnold's pyramid consists of 8,000,000 families who do not get adequate food because they cannot afford it. These families are either facing starvation or are undernourished. The next higher group consists of the poverty group—families not actually starving but very poor, with the wolf always at the door. This block consists of 11,000,000 families. We have then 19,000,000 families

that are either in the near-starvation group or poverty-stricken. If we multiply by four to get the number of persons we arrive at the startling figure of 76,000,000 persons, or more than half of our total population.

The next block in the pyramid consists of the moderate middle class, with incomes between \$1500 and \$3000 per annum. This group, again, consists of 8,000,000 families. They can afford a modest home and a Ford car, and on rare occasions a new tire for the Ford car.

In the next block we come to the first section of the luxury group—those with incomes from \$3000 to \$5000 per year. This group can afford a good home and a good car, with the treads not showing on all the tires. But notice the small number of families in this group—only 1,185,000 as compared with 8,000,000 and 11,000,000 in the two lowest groups.

Next comes the upper luxury group, with incomes between \$5000 and \$10,000 per annum, embracing only 800,000 families. The highest group may be called the rich group and includes all with incomes over \$10,000. In this part of the chart the pyramid becomes so narrow near its top that it almost vanishes into a thin line, the number of families being only a little more than a quarter of a million. I present Mr. Arnold's study to you because I firmly believe that it reveals the chief cause of delinquency in this country—the inadequate income of more than half of our population.

Accompaniments of Poverty

Where you have poverty you have distress. Where you have distress you have worried and nervous parents and whipped children, and children without adequate food. The vicious combination of frayed nerves and deficient diet produces pressures within the souls of these families which are bound to be reflected in antisocial behavior.

No discussion of the social background of probation and parole would be complete without some mention of the liquor problem. I am not here to advocate prohibition or any particular form of liquor control. But the time has come for an intelligent public to recognize the liquor problem as a major social evil, taking a tragic toll among our young people. At a recent meeting of our board of parole, as case after case came up in which the crime was obviously attributable to liquor, I exclaimed, "Sometimes I think that one-third of all crime is attributable to liquor." The chairman of our board, an able and conservative gentleman, replied, "Your percentage is not high enough."

To those of you who have tried to rebuild alcoholics I need not say that most of them are not criminals at heart. They are simply weak men who resort to liquor as a means of escape. The strong man resorts to the use of his will power and to the reserve of character which he has built up through the years, and with these he fights through his discouragement and wins. But the weak man, lacking the reserve of character to draw upon, attempts to drown his troubles with liquor.

Similarities in Probation and Parole

Not only is the social background of parole the same as the social background of probation, but the problems encountered in rehabilitation are much the same. The qualifications required of parole officers and probation officers are almost identical. There is room for a much greater degree of coordination than we now have between the administration of probation and the administration of parole. I know of at least one jurisdiction with reasonably competent probation officers and reasonably competent parole officers, but a complete lack of cooperation between them. If a parole officer has need of a social

study made by a probation officer he is not able to get it because it is looked upon as a private report made for the use of the judge. Situations of that kind are deplorable and argue the need for a much greater degree of coordination. I am glad to say that coordination of the two systems has largely been accomplished through centralization of parole and probation administration in such states as Wisconsin, Minnesota, Michigan, and perhaps Utah and Kentucky. But much remains to be done.

I wonder if I dare, as a member of a board of parole, to say that probation is one step ahead of parole, just as parole is one step ahead of continued punishment? Parole attempts to reform the thief after the horse is stolen, and after the offender has been punished for his wrongdoing. Probation undertakes to rebuild him without the degradation of the prison cell. Those of us who know from experience to what extent a prison cell can destroy the morale of men, those of us who know from experience that punishment actually interferes with and often precludes rehabilitation, hope most earnestly that probation will move on to still greater accomplishments as men come to understand that offenders are human beings and that what we are striving for is the fitting of all men into one brotherhood.

I am thinking today not only of probation and parole, I am thinking of the future of America. Believe it or not, the fundamental principles of brotherhood and love which you and I are stressing in the field of rehabilitation are the very principles by which the character of our nation is determined. We shall yet come to understand the significance of those powerful words of James V. Bennett, "The state of mind which makes possible such devices as parole and probation is a symbol of the democratic way of life."¹

¹ James V. Bennett "Of Men Who Have Failed" *Federal Probation* August-October 1940, p. 5

Nations are like men in that the weak fall and the strong survive. I do not mean military strength alone. Anne Morrow Lindbergh in her recent book *The Wave of the Future* tells us that a nation may be strong in a military sense, yet its social structure may fail. And she reminds us that no civilization can be saved merely by going to war—that a nation can really be saved only by building character into its people.

Fifth columns do not just *happen* in any state. They are either planted by enemy action or permitted to grow like microbes in the body politic. And need I say that no soil is more conducive to the growth of anti-American feeling than the soil of hunger, of distress, of race persecution, of hate. A man may call himself a good American and try to prove it by tracing his ancestry back to the Mayflower, yet he may preach hatred against Negroes, against Jews, against all who do not happen to be of his own particular lineage. Let me say with emphasis that such narrow-minded Americans are among the real enemies of America, and producers of fifth columns. The worst service that anyone can render to America is to foment hatred among our own people.

Whatever tends to weaken the character of our people tends also to weaken America. I care not whether it be poverty or liquor, gambling or hatred, these things are injuring that precious thing which we have come to know as the American way of life.

I have endeavored to make it clear that the economic and social ills against which we are battling in our probation and parole work are the very same evils which threaten America itself. It necessarily follows from this premise that those who are engaged in the rehabilitation of men are helping to build a better America. Can America be saved? The answer does not lie in Hitler's hands. It lies in your hands and mine. May I voice the hope

that in your work, in the midst of the trials and discouragements of your daily routine, you will hold to the vision of a stronger and nobler America. And so may you and I, by plugging away faithfully at our jobs, contribute our part to the saving of democracy and the establishment of good will among men.



Probation and Parole in Relation to the State Public Welfare System

MARIETTA STEVENSON

*Assistant Director, American Public Welfare
Association*

FIRST of all I want to state clearly the position the American Public Welfare Association has taken regarding the place of probation and parole in a public welfare system and then explain the reasons for this position. The Association has had a particular interest in public welfare administration and consequently in the relationship of specialized welfare services to each other and to the whole public welfare system. So far as the technical aspects of any specialized field are concerned, we defer to the experts in that field whether it be child welfare, public assistance, mental hygiene or the correctional field.

In our suggested state legislation we have recommended that probation and parole services for adults should be functions of a division of corrections in a state department of public welfare or of a separate department of corrections. This division or department should also have responsibility for adult correctional institutions. As for juvenile probation, parole and correctional institutions—we have recommended that these functions be part of a division of child welfare of a state department of public welfare.

This is the same point of view that we have consistently adhered to in making surveys or in consultation regarding any reorganization of welfare functions. This grouping of adult correctional activities in one agency is

similar to our recommendations that mental hygiene functions be so grouped or that child welfare activities for a state be related to each other.

It seems clear to us that the state has a definite stake in both probation and parole services whether for adults or juveniles. These services have involved relationships to institutions, to local social services, and to courts. Nevertheless, it is clear that probation and parole should be integrated with other state and local public welfare services, and it is also evident that they should be well administered by qualified personnel.

Although there is a great deal of variation of practice between states relative to the inclusion of correctional activities in the state department of public welfare, very close cooperation seems essential if the institutional program is to be of a constructive nature. The utilization of social service facilities throughout the state is essential if the institutional program is to extend beyond mere custodial care. All of the social resources of a state are required for a correctional program which gives proper emphasis to prevention as well as to rehabilitation.

The proper development of probation and parole requires the utilization and interchange of records, case histories and other social data which may be in the possession of state and county welfare departments. We know that persons in institutions come from communities and return to communities and continuity of social treatment is necessary in the development of constructive social planning.

There are many aspects of a correctional program about which there is a great difference of opinion as well as a variety of practice. One of these is the relation of adult probation and parole to juvenile probation and parole. We think they should be separate and the trend seems to be in that direction.

Services for Children

Since 1935 the development of state and county departments of public welfare to administer public assistance, including aid to dependent children and the development of new programs for child welfare services, has contributed to this trend so far as juvenile probation is concerned. The services to children who are delinquent or in danger of becoming delinquent make it logical to combine juvenile probation with child welfare instead of with adult probation.

The U. S. Children's Bureau has recommended that juvenile probation and parole be separated from the adult services because this seems to them the most constructive approach to the problem of juvenile delinquency. The lines between the neglected, the predelinquent and the delinquent child are very shadowy. Juvenile probation should be part of a comprehensive program of child welfare which should include material assistance to families, social services, health services, and provision for children who are handicapped physically or mentally. These services should be available to the child who is in danger of becoming delinquent long before the stage when court action is needed.

The situation has changed considerably since juvenile courts were first established. During the early decades of the twentieth century, juvenile courts were loaded down with many social service responsibilities merely because there was no other agency to assume responsibility for the prevention and treatment of juvenile delinquency and for even broader aspects of child welfare. As county departments of welfare have been established juvenile courts have frequently asked these departments to handle all their probation work, particularly in rural areas. The trend is in the direction of transferring the

case work functions from the court to administrative agencies. This will not only relieve the anomalous position of the juvenile court but will make state supervision by an administrative agency less confusing, for administrative supervision of judicial functions is always difficult. The mixture of judicial functions with case work functions has been a source of confusion and lack of coordination. Therefore, the removal of case work functions from the juvenile court and their assumption by an administrative social agency clarifies relationships with a supervising state welfare agency.

In this connection it is interesting to note that despite the fact that practically all juvenile court laws authorize the appointment of probation officers, many courts, especially those in rural areas, are without such service. When the White House Conference of 1940 on Children in a Democracy discussed this situation, it made the point that the court in larger communities may have its own probation staff of trained social workers but that the court in less populous areas may advantageously use the services of child welfare workers of the public welfare department. In some of these rural counties the children's worker carries responsibility for all the case work services of the juvenile court. The trend in this direction is apparent in public welfare legislation, especially in recent legislation, for provision that county welfare departments may render case work services to juvenile courts is found in the laws of at least a quarter of the states.

Because we think it essential that juvenile probation, parole and correctional institutions be related to each other, we have recommended that these functions be lodged in the child welfare division of a state department of public welfare. For example, in a recent survey the Association made in Minnesota, it was recommended

that the state training schools be placed in a proposed bureau of child welfare, and that parole from these schools be assigned to social workers on the staffs of the two schools. (Juvenile probation was not part of this study of reorganization of the existing functions of the Minnesota Department of Social Security.) Similar recommendations were made there for a uniform adult correctional program, with institutions administered by a division of corrections and a bureau of parole and probation, also a part of this division.

Specialists working in the field of adult probation and parole are also in agreement that these functions should not be combined with work for children. The Prison Industries Reorganization Administration studied the penal system of fourteen states in 1936-37. Reporting on these surveys, Francis H. Hiller said:¹

"In nearly all the states studied, when plans are discussed for the provision of machinery for adult probation and parole it is recognized or even insisted upon that work for children should not be combined with that for adults. The surveys of the Prison Industries Administration have been only of penal systems for adults so that the juvenile problem has not been directly involved, but in some states the question has arisen whether probation service for children should be included in the plans made for the development of adult probation. In all of these states except California, where probation has been extensively developed on a county basis, the feeling has been strongly expressed that if any combinations of service are to be made, adult probation belongs more logically with adult parole than with juvenile probation, and this has been the recommendation of the Prison Industries Reorganization Administration. . . ."

¹ "Trends in Adult Probation and Parole in Fourteen States" *Coping with Crime* Yearbook National Probation Association 1937, p. 81

The committee appointed by the National Probation Association to draft a model act for a state administered probation and parole system discussed the desirability of combining adult probation and parole instead of juvenile and adult probation services. The explanatory brief accompanying the draft of the act published in April 1940 includes the following statement:¹

"The Rhode Island state department includes both juvenile and adult probation and parole; Vermont includes juvenile probation; and the Wisconsin and Missouri departments include juvenile parole. . . . The prevailing opinion however with which a majority of the committee is in agreement, is that adult probation and parole should be coordinated with the criminal courts and the adult penal institutions, but work for juvenile delinquents should be coordinated with public and private welfare agencies. . . .

"We have for a quarter of a century been taking cases of juveniles away from the criminal courts, and the control of correctional institutions for juveniles away from the prison departments. Workers with children and adolescents need special training. If a department of adult probation and parole is to deal with juvenile delinquents, it should do so through a separate division with especially selected personnel."

Combining Adult Services

There is a marked difference of opinion regarding the combination of probation and parole functions. Favoring separation it is argued that parole is in disrepute in many places while probation has a high standing; probation is usually used for first offenders while parole relates to more hardened offenders. Those favoring the

¹ *A State Administered Adult Probation and Parole System* National Probation Association, 1940, p. 36

combination say that the reason parole is in disrepute in some places is because of poor administration. Taking a long view of the two functions, they say they can be better administered with a combined service. If rehabilitation is the aim of both, say the proponents of combined service, the processes involved are the same whether previous to commitment or subsequent to release. Speaking in favor of the combined service before the National Probation Association in 1940, Joseph H. Hagan, assistant director, State Department of Social Welfare, Rhode Island, said, "I can see no valid reason to justify the expense, the duplication of service and the overlapping of effort of two agencies which have similar purposes and methods. I maintain that the better plan is to establish, equip, and adequately staff a single system, unit or agency which will be charged with responsibility for all social case work and rehabilitative effort with offenders, whether they be on probation, in prison or on parole." Joseph P. Murphy, chief probation officer, Essex county, Newark, New Jersey, spoke just as emphatically at that time against the combined services, basing his point of view on his experience in New York and New Jersey. Pointing out that parole is a state function either under administrative control or as part of an institutional program, and that probation is a local judicial function under the direction of the court, he thought the combination unwise. Also he stated that there are many well administered, fully equipped, efficiently operated probation departments developed under local administration, and questioned how many equally good united probation and parole departments existed.

In states which have established centralized state probation systems there is a definite tendency to combine probation and parole work in the same department. The *Attorney General's Survey of Release Procedures*, pub-

lished in 1939, states:¹ "This tendency toward consolidation of two release procedures is a natural development and to some extent avoids duplication of services with consequent saving to the state. However, since parole administration is in most states centered in one agency, it follows that consolidation of the two procedures is hardly possible in the absence of statewide control of probation."

When the National Probation Association published its model combined statute it was stated:² "Combined state administrations of adult probation and parole, long in operation in Rhode Island, Vermont and Wisconsin, have been more recently established in Alabama, Kentucky, Maryland, Minnesota, Missouri, Oregon, Tennessee, Utah, Washington and West Virginia, and authorized in Arkansas and Georgia. In some of these states, however, a few of the larger counties or cities retain their local probation departments. . . ."

"Further experimentation is needed but there is evidence that a combined state administered system of probation and parole may prove to be the most practical method of developing both systems in a growing number of states, especially those where there has seemed to be little prospect of developing probation service adequately on a local basis. In states where adult probation or parole services have been established separately on a statewide basis it may be thought preferable to continue to develop them as separate agencies."

It might well be noted in this connection that states having the largest populations such as New York, New Jersey, California, Massachusetts, Pennsylvania and Illinois have not been among those which have developed a combined state administered probation and parole

¹ *Attorney General's Survey of Release Procedures* Vol. II Probation, U. S. Department of Justice, 1939, p. 71

² *Op. cit.* pp. 2, 5

service. In this connection the *Attorney General's Survey of Release Procedures* states:

"The combination of parole supervision with probation supervision promotes efficiency as it permits better distribution of supervisory officers throughout the state and results in a contraction of the territorial limits within which a supervisor must work, owing to a greater concentration of cases needing supervision. Consolidation of parole and probation supervision may be desirable for predominantly rural areas but may not prove possible to metropolitan areas. This plan has been adopted in Rhode Island, where parolees are supervised by parole officers in metropolitan areas and by probation officers in rural sections."

The trend toward state administration of probation was considered the most notable development in the probation and parole legislation passed in 1939 in the adult field.¹ The first state participation in probation administration was in New York and Massachusetts. These pioneer state probation commissions served chiefly in an advisory capacity, developing standards and extending the service. Wisconsin was the first state to initiate an adult probation department of a different type, state financed and state administered. The trend in this direction has been rapid during the last ten years. In a number of other states the state agency develops and standardizes probation service, but Michigan is, I think, the only one of these which authorizes grants-in-aid to county adult probation departments. The reorganization of welfare functions in Louisiana during 1940, placed parole supervision and the supervision of both juvenile and adult offenders on probation in the reorganized State Department of Public Welfare.

¹ F. H. Hiller and G. Cosulich "Legislation and Decisions Affecting Probation, Parole and Juvenile Courts, 1939" *Trends in Crime Treatment Yearbook National Probation Association* 1939, p. 304

Naturally there is considerable difference of opinion as to whether parole and particularly whether probation should be state administered or should be state supervised, and in the case of probation even some question regarding state supervision of locally administered probation systems. To those who are interested in state-wide services of good quality, it seems obvious that the state has a responsibility to see that standards are maintained either through direct administration or through supervision of local administration.

According to a publication of the National Probation Association on adult probation laws of the United States,¹ twenty-nine states provide by law for some form of state participation in the handling of adult probation. In these states the supervision or aid extended to the service varies greatly in methods of application and in effectiveness. In eighteen states adult probation work is directly carried on and paid for by the state.² In two states probation is administered by state boards whose chief duties relate to other phases of correctional work.³ In two other states there are separate state departments to supervise and encourage probation work.⁴ In five other states a bureau for the supervision of probation officers is established as a division of a state welfare department having other duties,⁵ and two other divisions are in other agencies or departments.⁶

Mr. Cosulich concluded that, "In some commonwealths aid or supervision by the state has been thoroughly and effectively developed and has proved of great value to courts and probation officers. In some of the others the

¹ Gilbert Cosulich *Adult Probation Laws of the United States* National Probation Association, 1940, Ch. XVI

² Alabama, Arkansas, Georgia, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Hampshire, North Carolina, Oregon, Rhode Island, Tennessee, Utah, Vermont, Washington, West Virginia and Wisconsin

³ Iowa, North Dakota

⁴ Indiana, Massachusetts

⁵ California, Illinois, Ohio, Pennsylvania and Virginia

⁶ Connecticut, New York

supervision has been hardly more than nominal, consisting chiefly of requiring monthly or annual statistical reports. A well-developed system of state supervision should give the supervising body authority to prescribe minimum qualifications for probation officers, to require reports from them at regular intervals, to visit them and inspect their work, to arrange conferences, to collect and publish statistics and to aid and encourage the development of the work in all practical ways. The extension of good probation service to all states requires the supervision, guidance and educational work of a state department with competent personnel. The financial participation of the state may also prove to be necessary."

Another report of the National Probation Association shows that there is less state supervision of juvenile probation work.¹ According to this analysis, in four states juvenile probation work is carried on and paid for, either in whole or in part, by the state.² In two states there are separate state departments to supervise and aid probation work.³ In another state a division of probation is established as part of a state correction department.⁴ In sixteen other states some supervision of juvenile probation work is carried on by the state department of public welfare.⁵ Many of the new laws establishing state and county welfare departments have made probation a regular function of the department or provided that it may be so when requested by the courts. The supervision, guidance and educational work of a state agency with competent personnel is needed for juvenile probation work.

¹ Gilbert Cosulich *Juvenile Court Laws of the United States* National Probation Association, 1939

² New Hampshire, Rhode Island, Utah and Vermont

³ Indiana and Massachusetts

⁴ New York

⁵ Alabama, California, Connecticut, Georgia, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Pennsylvania, Virginia, West Virginia

Parole Administration

In most of the states the agency granting parole is responsible for and directly in charge of supervising parolees and administering the adult parole system,¹ but this is not always the case.² In general there are three types of agencies granting parole: central boards are found in twenty-six states; the governor serves as parole-granting authority in sixteen states usually assisted by an adviser or an advisory board; and in seven states institutional parole agencies are utilized to some extent. There is some overlapping in this classification, because there is sometimes lack of uniformity within the states in dealing with men and women.

According to the survey made by the Department of Justice the central parole-granting agency is superior from the standpoint of efficiency and coordination, although the report says there is some justification for the use of an institutional board for the granting of paroles to the inmates of women's penal institutions.

This report says that one type of parole organization which deserves consideration is that which utilizes welfare officers in connection with supervision. This system is being used satisfactorily in North Carolina and to some extent in Indiana and Ohio. It is suggested that this type of experiment may provide the answer to the need for economical parole supervision. The report also says that enough states have combined parole supervision with probation supervision to indicate that such practice is highly satisfactory.

¹ *Attorney General's Survey of Release Procedures* Vol. IV Parole, U. S. Department of Justice, 1939, p. 63 — Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Vermont, Washington, Wisconsin and Wyoming—thirty-three states.

² Illinois, Massachusetts, New Jersey, Ohio, Rhode Island and Utah. In these states supervision of parolees is administered by an agency which has no part in the selection of parolees or granting of parole.

For juvenile parole it would seem even more possible to combine probation and parole and to relate these services to the other welfare services of the state and county departments of public welfare.

A more detailed discussion of the system in operation in Indiana is relevant so far as parole is concerned. Included in a recent report from the State Department of Public Welfare¹ is the following statement:

"The organization now in force in Indiana was developed in recognition of the fact that parole is authoritative, supervisory social work, that personal, intimate contacts with parolees come only with small case loads and that parole supervision is a community responsibility best handled by a community representative.

"The Welfare Act of 1936 empowered the State Department of Public Welfare to supervise paroled adults. In accordance with this act, district parole officers were appointed by the welfare department to replace the former district parole agents. . . . At this stage of development those in charge of the work were eager to provide for the state the best possible service. . . .

"Empowered to utilize the services of the county departments of public welfare, the state welfare department placed the responsibility for local parole supervision directly in the county. In sixty-four of the ninety-two Indiana counties, supervision is provided parolees by a member of the staff of the county department of public welfare. In forty-seven of these, the county parole officer is the director of the county welfare department. . . ."

From a report from Lake county, Indiana² comes the following:

"The service is chiefly one of rehabilitation. It func-

¹ *Four Years of Public Welfare in Indiana: A Report of Four Years' Public Welfare Administration in Indiana 1936-40*, pp. 217-223.

² *Study of Personnel Practices* Citizens Committee Lake County, Indiana, Department of Public Welfare, August 1940, p. 54.

tions in the following manner: the State Department of Public Welfare notifies the local office that John Doe is coming up for parole and requests that a social study of this man, including his home, family experience, training, and crime involved, be prepared for the parole board. It also includes verification of three requirements for parole, namely: home acceptance and suitability, a suitable job placement, and a reliable sponsor. This case history, well prepared, could be the greatest aid to a parole board in determining justifiable releases of parolees. Needless to say, it requires much involved and detailed work. Interviews and contacts made with a parolee by the social worker or parole officer after the parolee is released to the department are based on the amount of supervision required by the parolee. . . ."

From a parole officer¹ in Lake county come the following statements:

"The state department is definitely considering each parolee as an individual, weighing all the elements involved and rendering a decision on the basis of that individual case. That is exactly the way any advanced, farsighted parole program must function. . . .

"Credit for parole supervision in our county must of necessity be given to our county director. . . . He has constantly fought to enlarge the personnel and to improve its efficiency. The parole division is not treated like a stepchild in our department, but is considered to be equally important to the other functions of the organization. . . .

"The chief case work supervisor in Lake county is also supervisor of parole work. He is responsible for the coordination of parole with the other branches of our department and other agencies in the community. . . .

¹ Paper given by Walter Isenberg before several in-service training meetings in various parts of Indiana

Through the use of the master file in our office and the Central Index (our Social Service Exchange in Lake county) we immediately learn if the inmate or any members of his family are known to any of the various social agencies. It is a common practice to have consulting conferences with representatives of various other interested agencies or with visitors from the other branches of our own department. . . .

"Our social study is a complete record of our activities and treatments. We endeavor to incorporate in this record not only factual data but also information which is of value in the treatment program. A copy of our entries onto the running record is forwarded periodically to the state department. . . .

"The state department is the supervising and advising agency, but we who are working in the various counties are the persons who will either make or break the entire program. . . ."

It so happens that I also had access to an unpublished master's thesis at the University of Chicago on the "Supervision of Adult Male Parolees in Indiana, July 1, 1939 to June 30, 1940." Arthur Daronatsy, the author, says:

"It can be said that in certain counties in Indiana county welfare workers are doing excellent parole work. In other counties parole supervision is a misnomer. It cannot be denied that the present plan of supervision, even with its obvious defects, is vastly superior to the system that it superseded. However, the existing complacency of the state officials must be replaced with an attitude of constant vigilance directed toward the improvement of the system as a whole."

In Minnesota parole is a state responsibility but delegated to the counties, county by county, as each county is considered ready to assume this responsibility. This

is the system Minnesota has used in the child welfare field, with child welfare functions a state responsibility by law, but with the larger cities handling these services directly. The same process of decentralization is being utilized in other fields on an experimental basis.

Recent Trends

During the last few years certain trends have been unmistakably clear in these fields. There is a definite trend toward separation of adult and juvenile functions coupled with a trend toward relating all correctional activities in the adult field together and similarly relating all the functions concerned with juvenile delinquency together. In the area of adult probation there is a definite trend toward more state control through supervision or direct state administration. Where state administration is in effect, there is a marked trend toward combining adult probation and parole. Parole for adults is tending more and more to become a centralized state responsibility.

As to juvenile probation, this is still considered a local function with probation officers appointed by the court of jurisdiction, although there is a growing tendency toward the use of county welfare agencies for juvenile probation services. In over one-third of the states the state welfare department exercises some degree of supervision over the local administration of juvenile probation and the trend is clearly in that direction. In a few states juvenile probation is state administered by the same agency that administers adult probation. As local agencies assume responsibility for juvenile probation work it will be easier for the state to exercise administrative supervision. Both juvenile probation and parole are becoming more closely related to other child welfare services of state and county departments of public welfare.

Probation and parole have been accepted in principle but there is much that needs to be done to strengthen practice in these fields. Most of the attacks on these services have not been due so much to the philosophy as to the administration of the programs. If administration is to be improved, it is important to strengthen the organizational structure and to have a sound relationship to other welfare programs. Perhaps of even greater importance is better qualified and more numerous personnel. In view of the special skills required of both probation and parole supervision, it is rather surprising that most states have no legal provisions or administrative rules governing the qualifications of these officers.

Parole, in relation to other parts of the correctional program, has been underfinanced and jobs have frequently been filled as political rewards. However, a number of states have built up substantial staffs and organization for effective service and administration. Among those that for some years have been known in this category are California, Massachusetts, Minnesota, New Jersey, New York, Pennsylvania, Rhode Island and Wisconsin. The New York State Division of Parole has the largest parole organization and New Jersey has the reputation of developing the closest correlation between its institutional program and parole service. The New Jersey parole officers are on a civil service basis with high qualifications but the twenty-eight parole officers carry case loads of about two hundred, so more officers are needed.

The *Attorney General's Survey of Release Procedures* concluded that, "It is evident that in all of the states in which qualifications are prescribed for parole officers, earnest effort is being made to improve the parole systems."

Probation officers have usually been appointed with

more care and generally speaking they have been better trained for their work. In a few states such as Alabama, New York, New Jersey, Rhode Island and parts of Ohio and California civil service or other merit examinations are required for probation officers. In some states local probation officers are appointed by a state authority and in others by the court of jurisdiction.

After making a study of probation in a large number of states, the Attorney General's survey staff concluded that: "The qualifications, methods of selection, and training of personnel are factors of primary importance to the probation service in any department." The report says, "Although social case work is the basic element in probation service, the qualification standards established and applied in probation work do not meet the requirements set for professional social case work. In fact only a minority of the probation departments studied apply definite qualification standards in the selection of probation officers. The departments under civil service regulations appear to have higher educational requirements than non-civil service organizations. . . . With few exceptions, officers are not chosen on the basis of uniform and clearly defined qualifications. Unrestricted selection, either by the judiciary or some other authority, carries with it the danger of political pressure, non-uniform standards and insecurity of tenure. Civil service provisions, however, frequently narrow the range of selection to residents of the county."

Juvenile probation officers are usually appointed by the court of jurisdiction but in a few states they are appointed by state authority. State laws frequently provide that the county welfare director may serve as the juvenile probation officer when requested to do so by the court. This is the case in all the counties in Alabama with the exception of Mobile, Jefferson and Montgomery which

function under separate acts. In at least eighteen other states this is common practice. Some of these laws are fairly recent but others date back nearly twenty years when county departments of public or child welfare were first established in such states as Alabama, Minnesota and North Carolina.

An interesting sidelight on the relationship between juvenile delinquency and public welfare in general comes from a recent study of relief and juvenile court cases by Ellery Reed in Cincinnati and Hamilton county, Ohio. This covers the period 1927-40 inclusive. Dr. Reed concludes that the increase of juvenile delinquency as measured by juvenile court cases has taken place because of adverse economic and social conditions, combined at times with grossly inadequate relief during the depression period. The corollary of this is that during the relatively prosperous period of the late twenties and even during the depression, when a well-administered and relatively adequate general relief program was in force, juvenile court cases showed a downward trend.

Reports from a state such as Vermont testify to the need for full time officers. In that state the supervision of those on either probation or parole used to be in the hands of fourteen officers serving on a per diem basis, one in each of the fourteen counties. In 1937 this was changed and six full time officers were appointed. Although the case load of these officers has been entirely too large, the experience of the state has been that courts are more willing to put cases on probation with full time probation officers employed.

In conclusion I should like to say that the most important trend in the fields of probation and parole is the strengthening of their administration. This is taking place by relating probation and parole more closely to the rest of the public welfare system, particularly to the

rest of the correctional field. More active participation by the state is contributing to this strengthening. Perhaps of greatest importance is the employment of more and better qualified personnel.

Important as it is, this strengthening of administration of functions in the correctional field is not an end in itself, but merely a means of more effectively providing the services necessary for the rehabilitation of individual offenders.

The essential concept of democracy is the importance of each individual human being. Both probation and parole offer opportunities for rehabilitation to individuals who need them badly, and therefore they truly belong to our democratic form of government.



The Next Hundred Years

SANFORD BATES

Commissioner, State Board of Parole, New York

“IT is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us . . .”

The most trenchant phrase in the martyred President's immortal Gettysburg speech places the same challenge upon us today as it did upon our forefathers to whom it was addressed. “It is for us the living—,” and as we read the disheartening headlines in the daily press we feel lucky to be living.

At the conclusion of these splendid meetings commemorating the first one hundred years of probation, I have been asked to speak on “The Next One Hundred Years.” Here again, we might be pessimistic enough to say that if we can hold together the elements of our democratic civilization for another hundred years, we shall have accomplished something. Probably at no time in the history of the world has there been such an advance in material prosperity as has taken place since John Augustus, the first probation officer, set us a shining example of altruism and common sense here in the dingy criminal court in Boston. The last hundred years in America have culminated in an era of material prosperity never before equalled.

The United States, comprising 6 per cent of the world's acreage and 7 per cent of its population, owns 45 per cent of the world's wealth, and its citizens more or less carelessly drive 70 per cent of the total number of motor

vehicles on the globe. Fourteen million of our families live in houses which they own, and the existence of 131,000,000 insurance policies, together with 44,500,000 savings accounts testify to the very general distribution of our wealth. In fact, the wages of the American worker have increased in a hundred years no less than fourfold, while his hours of work have been reduced from an average of sixty to less than forty. More than two-thirds of the total national income is disbursed in the form of wages and salaries. Not only are we the richest country in the world, not only is our wealth more evenly distributed, but by comparison with other countries we stand almost alone in this enviable position. One hour's wages will buy seven times as much food in the United States as in Soviet Russia, and two and one-half times as much as in Great Britain and France, and these figures apply to the "normal times" existing before Hitler's murderous war. One person in every four in the United States has an automobile; almost one in every three a radio; and one in every six a telephone; as compared with 93, 43, and 72 in Italy.

Nor has our progress been confined solely to material or financial things. Nine times as many American children are going to high school now as at the turn of the century. There are more American boys and girls in college than in all of the rest of the countries of the world put together. The farmers of the country have been emancipated through the use of the tractor, the cheap automobile, electric power, and the radio. Twelve million American citizens can now hear grand opera which was formerly the exclusive privilege of the rich, and even the great Metropolitan Opera Company itself is rapidly becoming an American institution.

The health of our people was never better. In two generations the death rate from tuberculosis has been

reduced from 200 to 55; typhoid from 36 to 2; diphtheria from 40 to 2. It has been said that 704,000 people are now alive who would not have been here but for the contributions to our health and welfare that have been made by preventive medicine in the last few decades. We have developed a public conscience with reference to such matters as workmen's compensation for accidents, old age insurance, slum clearance, adult education.

In spite of its occasional falterings justice is still available to the poor as well as to the rich. We do not have special courts for political prisoners. In America, men and women worship according to the dictates of their consciences, and they are free to think and read and say what they like. One cannot have much patience with those who decry the course of democracy in this country. With only gradual changes one democratic representative system of government has survived in America for one hundred and fifty years. Let those who seek to undermine its functions ponder deeply upon these facts.

When one contemplates the next hundred years it is hard to look forward to the continuation of any such bewildering and miraculous advances in the future as we have seen even in our own time. But John Augustus, wise as he was, would have tapped his head and smiled knowingly if anyone had told him that a man could sit in his darkened house in Boston and hear, or even see the progress of a football game in California.

A sober thought for us to contemplate today, however, is whether our emotional or altruistic reactions towards life have kept pace with our material and cultural progress. There are those who predict that the very diffusion of so much material prosperity has softened our moral fiber; that the things which made America great were the struggles, the strivings, and the deprivations of its people. There are those who fear that the

age of chivalry and courtesy is over. As one who rides in the New York subways several times a day I am sometimes tempted to share in their pessimism.

Assessing Our Progress

Those of us who for many years have been interested in the social problems of the prisoner and the lawbreaker feel that, while there have been many material improvements in our prisons which mean that most of the brutalities and cruelties of a hundred years ago have been eliminated, it is still unfortunately true that progress in the effective, intelligent, and humanitarian treatment of the offender has not kept pace with our progress in many other fields. Well did the great Winston Churchill say thirty years ago:

The mood and temper of the public with regard to the treatment of crime and criminals is one of the most unfailing tests of the civilization of any country. A calm dispassionate recognition of the rights of the accused, and even of the convicted criminal against the state, a constant heart-searching by all charged with the duty of punishment, a desire and eagerness to rehabilitate in the world of industry those who have paid their due in the hard coinage of punishment, tireless efforts towards the discovery of curative and regenerative processes, unfailing faith that there is a treasure, if you can only find it, in the heart of every man,—these are the symbols, which in the treatment of crime and criminal, mark and measure the stored up strength of a nation, and are sign and proof of the living virtue of it.

If this is true, it presents to us a challenge for the century that is to come. When one reads over the Declaration of Principles of 1870 which the American Prison Association promulgated, one cannot help questioning whether we have really made commensurate progress in this difficult field.

Recently Will Durant pointed out with relentless accuracy that the spiritual well-being of a people does not always advance with its material welfare; that invention and scientific progress may be used to kill people as well as to aid them, a fact that is certainly being demonstrated in Europe at the present time. Perhaps the greatest challenge which confronts us is not to permit our material advance to outrun social, altruistic, or spiritual advance.

Assuming that there is to be a future for our democratic civilization and that we can continue to have confidence that our world is built upon a beneficent plan if we are only wise enough to understand it and administer it, what is likely to happen in our field? How can the probation officer contribute in greater measure to the persistence and permanence of the democratic idea in America through a patient and tolerant understanding of those who have broken the law?

Probation Outlook

In the first place of course, the probation officer in the next century will have an even larger place as an advocate or apostle of a newer philosophy in the treatment of the offender. He will look *forward* to what can be done with the delinquent, rather than *back* at what he has done. The motive behind treatment will be the protection of the public in the future, and not revenge for a wrong committed in the past. The probation officer will study and realize to a greater extent than ever before the multifarious causative factors which bring about the isolated human problem which confronts him. He will be swayed neither by undue sentimentality for the defendant on the one hand nor by hatred or impatience or misunderstanding on the other. He will not hesitate to stand

four-square before the public on this philosophy. He will be deterred neither by the calling of names nor the fear of ridicule or failure. He will realize that there is no substitute for knowledge or honesty in dealing with offenders. He will not claim for himself omniscience or infallibility, and in time we may safely predict that if he stands by this philosophy through stormy weather as through fair weather, in the midst of the crime wave even as when a period of relative civil peace is maintained, he will convert the body politic to this sound and progressive attitude.

The probation officer will look forward to the time when there will be a greater integration in the whole correctional process. In each state or subdivision thereof there will be a guiding influence in the form of a department of correction to develop all of the correctional facilities along modern treatment lines. A director will insist upon a streamlining of this process in order that overlapping and duplication may be eliminated and that a more economical and effective system of control may be developed.

Parole as a *method of release* will soon have become an indispensable part of this correctional process. We shall speak more accurately of subjecting a prisoner to parole than of *granting* him parole. We shall learn to speak of recidivists not as parole failures but as unreformed inmates. We shall not shrink from the word parole as something involving weakness or venality, but shall recognize institution after-care and supervision as a necessary sequel to a prison term. Nevermore shall we talk about *abolishing* parole any more than about abolishing police or commitment or discipline. We shall concentrate on improvement and increased effectiveness.

President Roosevelt a few years ago definitely established parole in our penal system when he said: "We

know from experience that parole, when it is honestly and expertly managed, provides better protection for society than does any other method of release from prison."

Probation, prison, parole together will constitute a protective penal process.

As the years go on, the probation officer will come to realize that hitherto there has been a dearth of expedients in his business. Many a hard-pressed judge has hesitated to choose between confinement in an institution and the almost complete freedom of probation. There will be developed a variety of alternatives which will be classified under the treatment process. The use of all kinds of private and public clinics, hospitals, institutions, boarding homes, employment situations, camps, will greatly expand the kind of prescriptions that can be written by a judge who seeks to cure rather than merely to punish. There will be greater flexibility in the use of the correctional process. No judge will attempt to predict the exact time at which, nor the degree to which, treatment will begin to take effect. We shall find a way to make correctional treatment as sensible, as flexible, and as effective as medical treatment now is.

During the next hundred years, we hope, probation will become a career service, and the qualification standards of its personnel will approach those of the most conscientious advocates of probation today. I am indebted to Herbert C. Parsons, without whom it is no exaggeration to say probation would never have developed to the prominent place it has attained in Massachusetts and the country today, for the following quotation Josiah Quincy, the first of three Boston statesmen all to be mayor of this city, made when he was a judge of the local court here, one hundred and twenty years ago:

The more vicious, the more base, the more abandoned the class of society on which any department of justice acts, the more and the weightier is the reason that those who administer it should be elevated above all interest and all fear and all suspicion and all reproach. Everywhere the robe of Justice should be spotless; but in that part where it is destined to touch the ground, where from its use it must mix with the soil, there its texture should contain and preserve whatever there is of celestial quality in human life and conduct. There if possible its ermine should dazzle by exceeding whiteness, and be steeped, not only with the deep fountains of human learning, but be purified in those heavenly dews which descend alone from the source of divine and eternal justice.

May we not look to the time when no person will contemplate the employment of any but highly skilled and intelligent people to administer the delicate machinery of probation.

Departmentalization

It is probable that within the next hundred years we shall see a further departmentalization or classification of work with certain age groups. It has been forty years and more since the juvenile court became a separate agency from the tribunal for adult criminals. Within the next decade or so there will be rapid acceptance of the idea that further classification should be made for the adolescent, the age group from sixteen to twenty-one.

I for one am wholly satisfied that some time within the next hundred years there will be a general acceptance of the conviction that the court should have less control over the process of correctional treatment. A judge by training and disposition is versed in the law and steeped in precedent. It is his business to know what has been done and said; and he is not to be blamed, rather is he to be praised for insisting that man's rights against the state are static and determined, and that no

majority may take from him that which he has earned and to which he has a right. Our judges, therefore, are particularly qualified to pass upon legal questions, to sit as arbitrators and as interpreters of the law, while the jury decides upon the specific fact of guilt or innocence.

When that question is determined and when, in the event of a finding of guilt, the law has therefore authorized the detention or control of the individual, the methods whereby the reformation or correction can be achieved require a wholly different type of expert. This does not take away from our courts one particle of the confidence which we have in their ability and judgment as courts. The plan for a treatment board merely sets up our belief that within the last hundred years we have discovered much that is new with reference to psychiatric treatment, behaviorism, and the etiology of crime and delinquency; and that we are determined within the next hundred years to put our communities in the position where these new discoveries can be applied more efficiently and definitely in the correctional field.

Within the coming century the increasingly important position of the probation officer will to a greater extent single him out for a position of leadership in the crime prevention field. It is not only his right but it is his duty to place before his community the knowledge which he has gained in his daily routine in order that the community may profit by his mistakes, and with his guidance and leadership organize itself and coordinate its efforts toward a more effective crime prevention movement.

And I am persuaded to the belief that the probation service of America will not always be contented with the role of advisory service to our courts; that the day is not far distant when probation will be independently organized and administered with the same dignity, initia-

tive, and independence that our hospital systems now enjoy. I have personally noted some indications recently that perhaps the converse is taking place—that the court itself is seeking to retain more and more control over the administration of the details of probation. Several recent judicial decisions strongly imply that no final disposition can be made by the probation officer without the consent of the judge. In this way and in other noticed directions, the position of the probation officer in the court seems to be taking on more and more the character of subserviency. Probation will retain its rightful place in the correctional scheme when it becomes wholly responsible for the treatment, care, control, and restoration of the wrongdoer from the moment that his guilt is decided by the court. A highly educated probation officer would not long be content to rank with the bailiff or the court officer. His work is important enough and essential enough to be developed as a profession in its own right. Once this conception of probation is established (and you will recall I am talking about the next one hundred years), we can expect a noteworthy increase in the caliber of men who seek positions in the service. Who knows but that some day our colleges will be awarding the degree of D. C.—Doctor of Correction—which will be as significant as any of the other doctorates now being awarded. The probation service may well be the Youth Correction Authority of the year 2000.

In the next few decades the probation officer's faith in himself and in the inherent worth of humanity will be tested as never before. He cannot become discouraged or dismayed. He of all people will need to maintain his confidence. In the coming years his failures may even outnumber those of the past. He will be wise not to wholly blame the men and women in his charge, but he will accept a joint responsibility for their failure. He

will repeatedly say to himself, "If I had known more, if I had had greater patience, or understanding, or wisdom, or toleration, things might have been different." He will remind society with ever-recurring emphasis that these failures of his are the failures of the community, and in the next hundred years crime will recede in exact proportion as the community resolutely prepares the kind of environment in which crime and delinquency do not flourish.

II THE OFFENDER IN THE MAKING



Crime Causation

SHELDON GLUECK

Professor of Criminology, Harvard Law School

IN the brief time at my command, I propose to discuss a few matters about which you have perhaps thought at one time or another but which deserve emphasis: first, the attempt to construct a general theory of crime causation; second, analysis of some problems in the dynamics of crime causation; third, some obstacles to the fruitful study of the causes of crime; and last, some suggestions regarding the scope of the case history from a causal point of view.

In considering a topic of such complexity, it is important at the outset to define the field. What do we mean by *crime*? In one aspect it is a term covering behavior which some particular society at some specified time and place has chosen to forbid, by means of laws the infringement of which is supposed to result in the punishment of violators. But even if we remain on a purely legal plane, such a definition is too general to have much meaning. For the patterns of legally prohibited behavior may range all the way from the buying of a drink to the killing of a human being. And the mental states involved may vary all the way from lack of intention to violate the law (in crimes not requiring proof of a "criminal intent") to a deliberate and premeditated intention to commit a murder. Moreover, under certain conditions, a person may commit even a homicide and yet not be

guilty of a crime, as in accidental killing not amounting to criminal negligence, or legitimate self-defense.

Despite these troublesome complications of what ought to be a clear concept, we may legitimately limit our discussion of the problem of crime causation to that group of acts which for a long time and in most civilized communities have been prohibited under threat of punishment,—the familiar property crimes and crimes against the person. Our conclusions regarding crime causation may or may not be valid for exceptional statutory crimes. We are not concerned with an abstraction so lofty that it will cover all possible prohibited acts done with every conceivable state of mind, in every politically organized society that ever existed anywhere. A crime causation theory covering all this would be so thin as to have very little theoretical value and certainly no practical value.

But it is not enough to limit our vision to the act and the criminal intent or "guilty mind" of the law, if our object be to look into the causes of misconduct. When we step behind these oversimplified conceptions to the individuals who usually commit crimes, we see at once that the motives behind, and the circumstances surrounding different types of delinquent and criminal behavior vary markedly; and more, that the persons committing crimes are as different in their mental makeup as are noncriminals. Most important, we see that many persons have been subjected to very much the same temptations and social pressures as have delinquents and criminals, and yet have managed somehow to remain non-criminal.

A Hierarchy of Causal Influences

How can we account for this puzzling state of affairs?
Let us look at the concept of *cause* in the realm of

human behavior. At the outset it must be recognized that we are faced with a hierarchy of causal influences, some of them very remote from the individual human being's theater of thought and action, others closer, still others right on the stage, as it were. Thus it has been shown by graphs based on statistical correlations that climate and weather have some influence on human behavior, considered in the mass. It is a familiar historical fact that geographic conditions exert an effect on human behavior. It has been demonstrated that fluctuations in economic conditions, unemployment and like phenomena of a broad societal nature are more or less related to such changes in human behavior as the rise and fall of the crime rate, particularly that of property crimes. It has also been established that the conflict of cultures in a community or a family bears some relationship to the incidence of delinquency and criminality. Coming to the individual himself, it has been shown that mental makeup is related to patterns of behavior, including antisocial behavior.

Broad general theories of crime causation may be of some value as a basis for broad, general social reforms, such as programs for reducing unemployment or projects for changes in a criminal code. They may also be of value in suggesting leads for more specific inquiries. But in order to do so, these general theories must not be so far removed from the scene of action as to be almost meaningless in their abstractness. At the same time, every such theory must cover and account for *all* the relevant evidence that its formula is supposed to summarize. With these requisites in mind, let us first examine a recently advanced general theory of crime causation, and then descend to more specific and tangible mechanisms of causal significance in the individual case.

Critique of a Current Theory

There is a natural urge among thinkers to find one beautifully simple explanation for a multiplicity of complex factors and forces. They seek intellectual security and aesthetic symmetry; they search for a philosopher's stone. But while this attitude may have resulted in the brilliant theories of Newton and Einstein, I doubt whether this search for the very highest abstraction in a hierarchy of causal forces will produce much of value in the study of crime, or indeed in the study of any important social phenomenon involving the behavior of human beings. Yet this attempt to explain everything by one thing is a marked feature of the activities of criminologists since men began to speculate about "the cause" of crime, or of sin, or of man's inhumanity to man.

Now considering the great variation in the kind of behavior patterns the law condemns as criminal, it would be strange indeed to discover but one underlying cause,—whether it be the law's classic concept of guilty intent, behind which lies the unproved assumption of a completely free will; or Lombroso's theory that criminals are, by reason of a combination of epilepsy, atavism and degeneration, predestined from birth to become criminals;¹ or the theories of the earlier psychologists and psychiatrists that crime is largely caused by mental defect or disease; or the theory of certain modern sociologists who insist that the "interstitial" or slum area is the chief cause of delinquency; or most recently, the rediscovery by them that "social disorganization" is the basic cause of "systematic criminal behavior."

At the present stage of our investigations into cause, it seems to me wholly unwarranted to attribute exclusive or even major causal significance to any one of these

¹ In his more mature writings Lombroso limited the application of his theory to only one-third of all criminals. G. L. Ferrero *Criminal Man* Putnam, New York, 1911, p. 100

factors. The desire to do so has led to putting one's scientific faith in a theory so remote from the dynamic realities of the individual offender's intellectual and emotional life as to be almost meaningless. To urge, for example, that all systematic criminal behavior is basically caused by social disorganization is to advance our thinking little further beyond the equally valid observation that the basic reason why people become criminals is the fact that they were born; had they never come into this world, they would never have become criminal.

Theories of this kind are too abstract and too far removed from the relevant operative mechanisms of conduct and misconduct in the individual case, or even in types or classes of cases, to throw much light on the problem either theoretically or practically. Besides, they are fatally incomplete in the light of the available evidence. One has only to state the proposition that the basic cause of crime is "social disorganization" to see how unfinished an explanation of the facts it is. For it leaves out of account two crucial questions: Why do so many persons *not* become criminal even under a high degree of social disorganization? And what distinguishes the kind of person who, when each of the socially-disintegrating influences becomes more and more operative, steps across the thin line separating law-abidingness from criminality, from the kind who remains noncriminal? Such theorizing, in other words, omits from consideration, or does not sufficiently take into account, the crucial area of causal mechanism,—the *nexus* between the social forces and the particular individual's bodily and mental makeup. For obviously, whatever be the element of social disintegration we are concerned with, its influence makes itself felt only on a *selected group of individuals*. It must therefore be the physical and mental makeup of offenders, as compared with nonoffenders,

that presents the crucial and practical issue in the study of crime causation.¹

In recent years some criminologists have been celebrating the demise of biological theories of crime causation. They have tended to overlook the role played by the structure and functions of the individual's mind in originating, selecting and resisting different forms of behavior. To read some of their writings, one would think that practically all there is by way of explanation of the varieties of human conduct is the fluctuation in so-called social forces, which fluctuation arises by reason of causes not at all clearly explained. In fact, these criminologists have gone so far as to insist that the notion that mental defect or disease or distortion has anything appreciable to do with bringing about crime is as dead as the dodo. It is all due to these mysterious social forces, or societal disintegration, or the blind clash of cultures. The fact that crime has existed as long as recorded history, among civilizations of widely varied states of social disorganization is ignored. The fact that the criminalistic "culture" in the "interstitial areas," into which boys move and to which they allegedly succumb by becoming delinquent, had to come from somewhere in the first place gives them little concern. The fact that even in the most marked interstitial area nine-tenths of the children do *not* become delinquent is lightly passed over. Indeed, from their lyrical insistence upon social factors as the sole or at least the determining influences one would almost conclude that human beings have nothing to do with crime and that the state of intelligence, instinctual

¹ In describing the general theory of crime causation to which I largely have reference in the above remarks, Edwin H. Sutherland (*Principles of Criminology*, Lippincott, third edition, 1939, p. 7) illustrates: "A child who is not wanted at home may be emotionally upset, but the significant thing is that this condition may drive him away from the home and he may therefore come into contact with delinquents." I submit that the more significant thing is that many children who are unwanted, do not because of that leave home, and that many of those who do leave home and do come into contact with delinquents, do not themselves become, or remain, delinquent.

drives and emotional-inhibitory mechanisms of the individual are almost wholly irrelevant to the problem of crime causation!

A good illustration of this point of view is the opinion held by many sociologists of the fundamental significance of the concept of attitudes. By trying to get away from the quest for "the innate and universal tendencies" of man's makeup, such as instincts, to the less fixed aspects of man's mind as influenced by social experience, they have thrown the baby out with the bath.¹ In their eagerness to kill the instinct theory as a basis for social psychology and sociology, they seem to have ignored the fact that though "social attitudes of individuals are but the specific instances in individuals of the collective phenomena"² of society as a whole, individuals do differ in the kind of attitudes they acquire, even though subjected to the same social influences. It is no answer to this criticism to say that many individuals within the same social group have the same attitudes. The crucial question is, why do so many other individuals *not* acquire those attitudes, if it be not largely because of innate differences in the organization and strength of their fundamental drives? The only other explanation could be chance, and this explanation requires too long a stretching of the already "long arm of coincidence."

The prejudiced attitude of some sociologists toward the concept of attitudes is illustrated by the following quotation from Professor Faris, a leader of this school of thought: "Institutions are not produced by the instincts. Warfare makes men warlike and churches make men religious."³ Professor Faris neatly avoids committing himself on the question of whether it has required

¹ This is the chief criticism I would make of the otherwise admirably instructive collection of essays *Social Attitudes* edited by Kimball Young, Holt, New York, 1931. See Ellsworth Faris' "The Concept of Social Attitudes," chapter 1 of this work.

² *Ibid.*, p. 5

³ Young, *op. cit.*, pp. 5-6

the institution of marriage to make man sexual. It is difficult to have patience with these extreme environmentalists. They talk as if it is the easiest thing in the world to make a human being out of a gorilla by simply "conditioning" the ape from early apehood. And as for making a silk purse out of a sow's ear,—that seems to be mere child's play.

A passage from a lecture by Freud will show how unreal are the theorizings of these extremists. Speaking of Marxism, Freud said that by it,¹

A whole collection of correlations and causal sequences was . . . discovered which had hitherto been almost completely disregarded. But it cannot be assumed that economic motives are the only ones which determine the behavior of men in society. The unquestionable fact that different individuals, races and nations behave differently under the same economic conditions in itself proves that the economic factor cannot be the sole determinant. It is quite impossible to understand how psychological factors can be overlooked where the reactions of living human beings are involved; for not only were such factors already concerned in the establishment of these economic conditions, but even in obeying these conditions men can do no more than set their original instinctual impulses in motion—their self-preservative instinct, their love of aggression, their need for love and their impulse to attain pleasure and avoid pain. . . . If anyone were in a position to show in detail how these different factors—the general human instinctual disposition, its racial variations and its cultural modifications—behave under the influence of varying social organization, professional activities and methods of subsistence, how these factors inhibit or aid one another—if, I say, anyone could show this, then he would. . . . have made [Marxism] into a true social science. For sociology, which deals with the behavior of man in society, can be nothing other than applied psychology. Strictly speaking, indeed, there are only two sciences—psychology, pure and applied, and natural science.

If a general theory of crime causation is needed, it ought to be formulated to take account both of social

¹ Sigmund Freud *New Introductory Lectures on Psycho-analysis* translated by Sprott, Norton, New York, 1933, pp. 228-229

pressures and individual differences. It is true that there exists a dynamic pattern of repression and reaction in the relationship between the system of social pressures defined as society, and the system of innate and acquired forces within an individual defined as a personality. Given a certain standard of social pressures—economic, legal, religious, educational or any other forces comprising the core of culture—then a certain percentage and variety of delinquency and crime are naturally to be expected, and will be found at any specific time in any population of a specific ethnic and psychologic composition. These societal forces bear a definite relation to the personal forces, whether we are talking about Boston in 1941 or England in Queen Elizabeth's time.

The proportion of persons who violate the laws or taboos of the particular society at any one time depends upon the extent and force of the pressures and the makeup of those subjected to them. If the pressure of one or more of these external forces decreases or increases and the ethnic and psychologic composition of the population remains essentially the same, we ought to be able to predict the amount and nature of the increase or decrease in crime that will result. For example, during the Boston police strike there was an immediate rise in the quantity of crime in our community. A certain amount of police pressure having been lifted from the total dynamic situation, it followed that a definite quantum of deterrence through fear of arrest had been removed. When this happened, a number of persons who needed just that extra pressure to prevent them from committing crimes, stepped across the line between law-abidingness and criminality.

But notice that only a small number of persons did so. Evidently the others would require a more radical or different change in the system of external pressures be-

fore they would commit crime. As was pointed out, statistics quite uniformly disclose, for instance, that in periods of long-standing unemployment and attendant poverty there is a rise in crime, particularly in property crime. But once more, not all by far of the persons in any community subjected to the added pressure of unemployment and poverty become criminal. Again, in a predominantly religious community, after a long-standing period of irreligion, there is likely to be an increase in criminality, owing to the removal of a system of forces which with others had participated in determining the general level of law-abidingness in that region.

Why do not all, or more, become criminal?

Clearly, if an organized society has a certain system of laws and taboos, it requires, on pain of punishment, the possession of a certain minimum adaptive capacity on the part of its members. If there are persons in that society who because of mental defect, disease or distortion, or other inadequate biologic equipment do not have sufficient adaptive capacity to carry on their lives within the confines of these taboos and laws, they will commit crimes, and their crimes will be essentially attributable to their inadequate biologic equipment. The social pressure or social disorganization was there, but the adaptive capacity could not withstand it. Were such persons members of a more primitive society, some of them might, by their very substandard equipment, not only *not* become criminals but even be selected as leaders and heroes. But in such a society the adaptive equipment necessary is different from that required by our highly complex society which involves numerous delicate social and legal pressures, and requires a high degree of adaptive capacity on the part of its members. Surely in so complex an environment there must be many people who simply cannot "make the grade" in conforming their behavior

to the demands of socially-tamed living. Their intelligence may be too faulty to enable them to grasp the necessary distinctions made by the criminal laws; their instinctual equipment may be too strong for control in the light of existing taboos; their emotional life may be topsy turvy because of varying degrees of mental abnormality or temporary or permanent derangement.

All this does not of course mean that equally thorough study should not be given to the social forces involved in bringing about the end result of criminal conduct. If a number of children are exposed to smallpox infection, and only certain of them develop the disease, we must study both the nature of the infective force and the nature of the children who, subjected to it, succumbed and those who, equally subjected to it, did not succumb. In such a study that which is constant, that to which both groups of children were subjected, is the force of smallpox infection; while that which is crucial to our thinking and doing, that which is concerned with the problem why some of these children were infected while others were not, is the makeup of the two sets of children. If we stop with a study of the nature of the infective agent, we have only half the picture; in fact, we cannot fully determine even the nature of the infective force unless we analyze and explain its tendency to selectivity in influence,—why it is operative on some persons and not on others. And in order to do that, we are forced to study the composition of those whom it affects and those whom it passes over.

To put it differently, all of us are subjected to certain social pressures and to social disorganization. The great issue in crime causation is, why do some of us succumb to them and continue to do so, while others do not? And to answer that question it is necessary to answer a prior question, how do those who become criminal when these

pressures operate, differ from those who do not? These differences can be determined only by a careful and detailed comparison of the bodily, intellectual and emotional-inhibitory traits of both groups.

Obstacles and Difficulties

Now there are many obstacles to such a study. In order to know what is abnormal one must know what is normal. Here the researcher is immediately up against difficulties. There exists no reliable sample of the non-criminal population which embraces social and economic conditions, bodily build, grade of intelligence, emotional-inhibitory makeup and numerous other detailed factors that ought to be carefully compared. The census figures are not always classifiable for reliable comparisons even as to very crude factors; they are very meager, containing data of only superficial significance to our problem, much of it unverified. Individual studies of special classes of the population in terms of mental age or economic status exist, but again these investigations are usually not comparable with the factors in our criminal population. Certainly little or no comparative materials are available regarding the more subtle personality structures and mechanisms which seem likely to be of really crucial significance. Moreover, it is very difficult to construct the desired biosocial yardstick which will represent the norm of the noncriminal population.

However, by carefully comparing an adequate sample of delinquents with nondelinquents, or criminals with non-criminals, certain differences will emerge. We cannot jump to the conclusion that all of these differences are causally relevant either to the mass of cases or to any specific case. But we can conclude that among all the differences, certain factors so markedly differentiate criminals from noncriminals and influence them in a manner so

rationally to be expected, that they must somehow be entangled in the causal complex in many individual cases, and probably in the one we are concerned with at any one time. We cannot tell just how, because the mass method we are using is incapable of showing us exactly how these forces play their parts on the stage of the individual offender's mind. Our findings should be useful, however, not only in giving us valid theories about the involvement of certain factors in criminality looked at in terms of whole masses of offenders, but also in helping us to overcome the first obstacle to the effective clinical analysis of any individual case: namely, the ascertainment of relevant factors.

This brings me to a major difficulty encountered in the intensive study of the actually operative mechanisms of causation in the individual case. The great number and complex interplay of the factors and forces entangled in any one criminal career are well known to all of you. You cannot even be certain whether you have assembled all the possibly relevant factors in any case. Further, it is difficult to determine which ones, among the numerous factors you have gathered and systematized in a case history, actually have anything to do with the case. Poverty may have been present in the home but it may not necessarily have had any influence in making your client delinquent. To get at the role played by poverty in this particular instance you are compelled to trace the exact dynamic relationship between the external poverty and the internal change of attitude and motivation in the life of your client. You may discover that his brother, brought up in the same poverty-stricken home, far from going under because of it, used that very poverty as an incentive and a stepping stone to legitimate ambition and law-abiding success.

Suppose again you find that your client's life was spent

in a slum area subject to the numerous unwholesome influences and the undesirable cultural traditions of such a region. The discovery of this system of forces in the youth's life situation, and the setting of it down in a case history, are far from ending the job of explanation of cause. You are compelled to determine if, how and why this social situation turned this particular youth's behavior in a criminalistic direction. For clearly, thousands of boys living in slum areas are not delinquents. If they were, Horatio Alger would never have had such widespread popularity.

Suppose you find your client to be more on the dull than the normal side of intelligence. The discovery and the setting down of that fact are only the beginning of the exploration that must be made to bridge the gap between a situation and a course of behavior. It must be shown just how and why this intellectual defect got this particular offender into trouble when so many people of dull intelligence manage to get along without resort to delinquency or crime.

And so with numerous other factors that enter into the typical case history. The materials looked for and entered in the record are those which have long been advanced as factors affecting conduct adversely. We really do not know whether they did or did not have such influence in any individual case until we take the next step and determine whether they were injected into the person's mental life and thereafter became a dynamic force tending to misconduct on his part. We must bridge the gap between the factor and the personality; and then bridge the gap between the changed personality and the changed behavior. It cannot be too often repeated that *a factor is not a cause unless and until it first becomes a motive.*¹

¹ Dr. Bernard Glueck's formulation of the problem.

One lesson to be drawn by the practical student of crime causation is, therefore, that any one who seeks to understand the whys and wherefores of an offender's antisocial behavior must not be satisfied with a mere setting down of factors claimed at one time or another to be important in bringing about delinquency or criminality. He must, rather, consciously focus his attention on discovering and describing the *exact operative connections* of these factors with the particular offender's self-expression through misbehavior.

Some Suggestions on Content of Examination

Time does not permit a detailed exposition of the possible contents of a case history that will be meaningful for the intricate problem of crime causation, but here are a few suggestions based on the points just discussed. Assuming that it provides the familiar sociologic data about the neighborhood, the home, economic status, industrial history and the like, the case history, from a causal point of view, should contain the results of systematic probing of at least four levels or aspects of the offender's mental structure and dynamics.

First, what are the evidently *fixed points or limits* of this particular offender's mental organization, judged both by a detailed review of his childhood history and an analysis of his present equipment? It is a common error to assume that the balance of the instinctual-inhibitory mechanisms, the attitude-formations and the ideational preoccupations of any group, such as delinquents in a slum area, are all alike. We speak, for instance, of attitudes without realizing that the typical attitudes a person is capable of, have in the first place been more or less fixed by nature as well as affected by culture. The kind of effort any particular offender is capable of has been more or less fixed at birth by nature's endowing him

with a certain energy system. So also, the richness or barrenness, the sophistication or primitiveness of any particular person's ideational system depends, basically, on his general intelligence and on special abilities and disabilities rather than on the mental food that is fed him. We should not, therefore, overlook the fact that in every case there are certain limits of effective correctional action which have been set at birth. We ought to try to determine what are the limits of any particular client's original mental endowment.

I need hardly remind you, in passing, that there are also limits to the individual's physical equipment, and that a meaningful report on the offender's bodily structure and tendency to certain diseases is called for. This is necessary not only for the health aspects of the probation officer's plan of action, but because of the evident interplay between physical defects and mental stresses and strains. The simplest and most familiar of these is of course the compensatory mental mechanism that arises to balance unpleasant feelings accompanying some physical inferiority; but there are many others.

In defining the limits of effort dictated by nature, there is one difficult problem upon which our recent researches have thrown a little light, namely, the effect of an individual's lack of maturation commensurate to the norm for the particular age. In defining the limits of effective correctional action, one must bear in mind that individuals differ in the rate at which their mental and physical functions grow and integrate to bring about a mature, self-managing personality. The worker should take this fact into account in his tentative setting down of the boundaries of possible constructive effort with the individual. Adaptive capacity changes with degree of maturation achieved. We have recommended the construction of a "maturation quotient" which would be a composite

of the degree to which the individual has achieved the requisite norm for his age in each phase of mental activity as well as physical development;¹ but such an "M. Q." device has still to be constructed and tested out.

While in our researches we have stressed the role of inadequate maturation as an interferer with the reform of offenders, it seems to have important implications also for the original causation of delinquent trends of conduct. For instance, it was found that it is not so much the arrival at a certain age, such as twenty-one or forty, that impels many offenders to abandon their criminalistic careers, as the arrival at a certain distance in years from the time of the origin of their delinquent tendencies. From this evidence it seems reasonable to infer that the beginning of consistent trends of delinquent behavior is a sign of the individual's failure, at that stage of his development, to have achieved a degree of maturity sufficient for adaptation to society's demands from persons of his age and status, without resort to prohibited behavior, whether it be in the home, school, factory or world at large. Instead of the familiar expression, "X has reached years of discretion," we should rather say, "X has achieved a stage of socially adequate maturity," that is, adequate to meet the responsibilities commensurate to his age and status and to do so without violating laws. And we should bear in mind that there are not a few X's who, despite all the efforts of probation, prison, parole, in addition to those of the home, school, church and other social organizations, never achieve sufficient maturity and integration to adapt lawfully to the high requirements set by our complex system of customary and legal taboos.

Further research will be needed to establish these theories solidly or to disprove them; but in the meantime, the probation officer cannot go wrong in taking into

¹ Sheldon and E. T. Glueck *Juvenile Delinquents Grown Up* Commonwealth Fund, New York, 1940, p. 270

account the evidence of individual differences in the rates of growth toward the goal of socially acceptable maturity when he is estimating the limits of effective correctional action in the particular case.

Setting down tentatively the mental and physical limits of effective action is a guide to systematic and economical reconstructive efforts. It points out to all concerned what is feasible and what cannot reasonably be expected; and it helps to define what is meant by success and failure of the worker's efforts in any particular case.

The second type of psychologic data that should go into a case history to make it meaningful from a causal point of view is an inventory, with illustrations from a sufficiently extensive vertical sample of the offender's life span, of his typical attitudes. An attitude is a person's usual disposition or slant toward general modes of response rather than toward specific acts of response. For example, "an attitude of devotion to one's mother is something which can be investigated and concerning which confident and demonstrable assertions can be made in particular cases. But we cannot know what particular act will be performed toward one's mother on account of the existence of this attitude."¹ The probation officer is interested in his client's typical slant toward his family as a unit, toward his father, mother, wife, or particular children; toward God, toward church-going; toward authority as symbolized by the teacher, shop foreman, fellow-worker, policeman, probation officer, and others with whom he has dealings; toward working for a living or loafing for a living.

Numerous useful tests of attitudes have been evolved to show how the individual rates when compared with the norm; but even without formal testing techniques, the systematic search for the client's attitudes regarding

¹ Faris in Young, *op. cit.* p. 8

basic social values can give much insight into the kind of person the probation officer has to deal with. Moreover, systematic exploration of other people's attitudes should give the probation officer considerable insight into his own, and should make him wary of any prejudices he may import into his work of dealing with others. Further, since attitudes, or typical tendencies toward action, can be at least roughly defined, they give concrete points of attack to the probation officer in his effort to change undesirable attitudes. Indeed, so promising was the attitude approach to the understanding of human nature deemed a few years ago that a new school of treatment, that of "attitude therapy," was invented.

The third type of personality data that should go into a case history if one wants to dig down to causal roots, is an inventory of the offender's typical conflict problems. All of us have conflicts, both between ourselves and the various aspects of our environment, and within ourselves. By externalizing and setting down these conflicts, the probation officer can begin to see the reasons for what, on the surface, seem to be irrational attitudes and bits of behavior.

The fourth type of personality data that should enter into a case history if one wants to understand causal dynamics is a systematic inventory of the client's typical ideas. What's his head filled with? If you start him off on a little verbalized ideational trip, to which one or two landmarks of subject matter does he usually return,—some particular ambition, or his personal appearance, or his athletic prowess, or women, or "ganging," or some other system of ideas? "Ideas," we have been vividly reminded, "are weapons." Whole peoples have been hypnotized, betrayed and enslaved through the systematic pumping into their heads of ideologies of the most absurd kind. Ideas are dynamic. By analyzing the of-

fender's conversations with you, you will begin to get at the things with which your client is typically preoccupied. By setting down this person's most beloved ideas, you not only gain insight into what he's like, but obtain clues to changing him by exposure to more desirable ideas.

In all these difficult and delicate explorations and probings it would be advantageous for a probation officer to have the aid of a psychiatrist or psychologist with a broad training in both biology and sociology, so as to counteract a natural tendency to allow himself to be hypnotized by the conceptual lingo of any one-sided, or copyrighted, picture of Man or Society. As to some of them, particularly the last three, devices like the Rorschach test will be found instructive. Ideally, such thorough explorations into mental structure and dynamics should be made in all cases; but practically, considering the pressures of time and case load, probation officers will be forced to limit such systematic mental analyses to but a small proportion of cases. But what they thereby learn ought to be useful not alone in understanding and dealing with those cases, but in gaining new insight into all their cases.

At all events it seems to me that ascertainment of the mental factors mentioned should furnish some, at least, of those stepping stones between the outer and inner worlds of the offender which have been indicated as indispensable to any real grappling with causal mechanisms.

A Long Look Ahead

I have raised a number of points to be considered in dealing with the intricate problem of crime causation. Clearly, the process of analyzing the impact of social pressures upon mental makeup and the reissuance of the new product into antisocial behavior is difficult. It challenges the thought of every worker with delinquents and criminals. It requires the constant interchange of ex-

perience and ideas between the practical worker on the firing line and the speculative and research worker. The determination of clearly defined, specific mechanisms of causation will take a long time. Does this therefore mean that the complexity of crime causation must entail the indefinite postponement of preventive, therapeutic and rehabilitative methods and points of view until such time as a mature science and art of criminology can be built up? Must we, in the meantime, rely only upon the simplistic conceptions of criminal intent and absolutely unhampered freedom of will as the sole causal forces we have to deal with? Must we put our faith once more in pain-inflicting punishment? I can best give the answer to these important questions by repeating a passage from the introduction to *Preventing Crime*,¹ which Mrs. Glueck and I edited a few years ago:

"We know enough about the conditioning factors of delinquency and criminality in a general way to justify any efforts that give reasonable promise of success. For example, we know that a large proportion of delinquents and criminals come from homes that are either in dire poverty or in constant hazard of becoming so. It is true that many poor people do not commit crimes and that, therefore economic insecurity is not always a cause of wrongdoing. Still, given poverty plus some other condition such as mental deficiency, the chances are multiplied that this pattern will become causative of delinquency and criminality. And given poverty, plus mental deficiency, plus residence in a crowded slum area with ample opportunity for wrongdoing and a tradition of antisocial conduct, the chances are still further multiplied. And so with the cumulation of other factors frequently present in the careers of offenders.

"In other words, we know that a complex of factors

¹ Sheldon and E. T. Glueck (editors) *Preventing Crime* McGraw-Hill, New York, 1936, pp. 2-3

is usually associated with criminality, although we may not know the exact interaction of elements in the complex. We are therefore justified in assuming that if we made a many-sided attack on the factors commonly found in the careers of offenders, our efforts would reduce the number of recruits to the criminal army. This is true even though it be granted at the outset that if such a many-sided attack on the mass of factors associated with delinquency and crime did result in a reduction of wrongdoing, it would be difficult to say which one of the destroyed factors, or which element in the preventive program, has contributed the most to the happy outcome.

"[Considering] the analogy to fire prevention, most of the places where inflammables are stored will never burn, and in many instances an intervening influence between the inflammables and the conflagration is necessary. But where combustibles are present the danger of fire is greatly increased. The implication for crime preventive efforts seems clear. The more 'inflammables' (such as poverty, broken and distorted home life, badly occupied leisure time, culture conflict, and the like) that can be removed from the environment of childhood and youth, the less possibility is there of criminalistic conflagration. The exact manner of the relationship of such factors to misconduct cannot always be determined. The relationship may not necessarily be either inevitable or direct, but merely one that is several steps removed from the factor which is the direct source of criminalistic behavior. But such facts, while rendering crime preventive efforts more difficult and wasteful than they would be if we knew more about causation, do not make them hopeless."

But while such encouraging words may be enough for the practical worker, they may not sufficiently satisfy the scientist. To his despair at how little we as yet know

about the mechanisms of crime causation, I can only interpose the statement of a very wise man. In his brilliant lecture on *A Philosophy of Life*,¹ Freud, answering criticisms leveled against science, reminds us of something we are too prone to overlook:

The reproaches made against science for not having solved the riddle of the universe are unfairly and spitefully exaggerated. Science has had too little time for such a tremendous achievement. It is still very young, a recently developed human activity. Let us bear in mind, to mention only a few dates, that only about three hundred years have passed since Kepler discovered the laws of planetary movement; the life of Newton, who split up light into the colors of the spectrum, and put forward the theory of gravitation, came to an end in 1727, that is to say a little more than two hundred years ago; and Lavoisier discovered oxygen shortly before the French Revolution.

I may be a very old man today, but the life of an individual man is very short in comparison with the duration of human development, and it is a fact that I was alive when Charles Darwin published his work on the origin of species. In the same year, 1859, Pierre Curie, the discoverer of radium, was born. And if you go back to the beginnings of exact natural science among the Greeks, to Archimedes or to Aristarchus of Samos (*circa* 250 B.C.), the forerunner of Copernicus, or even to the tentative origins of astronomy among the Babylonians, you will only be covering a very small portion of the period which anthropology requires for the evolution of man from his original ape-like form, a period which certainly embraces more than a hundred thousand years. And it must not be forgotten that the last century has brought with it such a quantity of new discoveries and such a great acceleration of scientific progress that we have every reason to look forward with confidence to the future of science.

Let us therefore take heart. You and I are dealing with the most complex of all problems, the riddle of man's motives and actions. Under no fond illusion that we shall be able to solve that riddle the day after tomorrow, let us still carry on with intelligence and faith.

¹ Freud, *op cit.*, pp. 221-222



Underlying Social Causes of Crime

EDUARD C. LINDEMAN

*Professor of Social Philosophy, New York School
of Social Work*

WE discuss most of our problems these days in an atmosphere of unreality. It is as if we were standing on a moving platform passing before a surrealistic backdrop upon which was painted a disrelated set of unfamiliar objects. The sensitive person, the value-centered person, experiences peculiar difficulties under these circumstances. Indeed, it appears that only the ruthless and amoral aggressors know how to act in such a world. The sensitive person who cares about human values must keep asking himself how he can continue to hold to his faith in human nature, how to continue to believe in human progress, and how he can summon enough courage to act and to struggle on behalf of a better world.

Although I entertain deep sympathy for the sensitive person in this harsh age, I can offer no patent solution for this dilemma. The best I can do is to describe the discipline to which I have subjected myself. It consists of a rigorous reexamination of my beliefs, a wilful exclusion of all presumptions which cannot stand the test of scientific analysis or of reality, no matter how unpleasant that reality happens to be, and a deliberate effort to restate the ideals to which I cling, and then to act upon them. What I have to say is in a sense an attempt to apply this discipline to the theme assigned to me.

I begin with rejections. My initial enterprise represents an effort to rid my mind of all preconceptions re-

garding the nature of crime in my country, preconceptions, myths, and misrepresentations which stand in the way of a realistic and effective approach. In doing so I am fully aware that I shall not merely leave many of my readers behind, but that some will find themselves in sharp opposition. But we learn through disagreement, providing we can disagree without becoming disagreeable. I am also aware that some of my rejections require much better proof and demonstration than is now available, and I am prepared to accept new evidence the moment its validity is established. What I am seeking is a cleaner, sharper ship with which to cut the muddy waters of American crime and the job at hand is that of scraping the barnacles off its hull.

Therefore, I reject the notion

- 1) that the tendency towards crime is inherited and that a special type of criminal personality exists;
- 2) that the primary cause of crime in the United States is to be found in the heterogeneity of our population, or that our foreign born citizens make a larger contribution to our crime record than the native born;
- 3) that there is a necessary correlation between crime and urbanization, and that therefore crime is bound to increase wherever cities grow;
- 4) that a mere increase in the quantity of education received by Americans will automatically decrease the incidence of crime;
- 5) that refinements in the treatment of committed criminals in jails, reformatories and prisons will in and of themselves reduce the rate of crime;
- 6) that an increase in the number of persons receiv-

ing the type of religious education now prevalent will automatically result in a diminution of crime.

These six rejections do not of course exhaust the list of misconceptions regarding crime but these are samples of beliefs which I have heard repeated over and over in all types of public gatherings, ranging from those attended by uninformed laymen to meetings of trained scientists. I do not believe that there now exists convincing evidence that any one of these six presumptions is true. But I do believe that the reiteration of these misrepresentations is one of the principal reasons for our inability to deal more effectively with our crime problem. Consequently I must believe that these unwarranted assumptions need to be supplanted by a fresh affirmation which may henceforth be utilized as the basis for public education.

Before stating the outlines of the new affirmation it should be said that we are now confronted with a situation regarding which many of the relevant facts are missing. Hence when I say, as I did say above, that I do not believe the foregoing assumptions to be true, what I really mean is that action based upon these beliefs does not take us where we want to go. This is to me *prima facie* an indication that the beliefs should be modified or abandoned. By the same token, the affirmations which I am about to propose are not true, that is they are not substantiated by tested facts. If we were in possession of all the pertinent facts regarding crime, we would not presumably talk about beliefs at all. But crime is a dynamic and changing affair, and the essential facts will never be completely known. For this reason our programs of action need to be based upon certain *a priori* assumptions or beliefs. The function of a belief is to furnish ground and will for action.

American citizens are deeply concerned over their

unique record for lawlessness. Their concern is both moral and material. On the moral side they are worried because they cannot understand why we with all our blessings should exhibit so strong a tendency to violate the laws sanctioned by democratic consent. On the material side they are or should be worried because the cost of crime in our country amounts to approximately \$450 per family, or between thirteen billion and sixteen billion dollars per year. Neither on moral nor on material grounds can such a situation be tolerated if we are to continue to enjoy the benefits of democratic freedom. Hence it is my conviction that the American people will make an effective attack upon crime once they begin to function on the basis of a sounder set of beliefs. Faith is the lever without which action is desultory, fitful, and lacking in persistency. If we once come to believe that our crime situation is manageable, appropriate action is sure to follow.

My first proposition calls for a change in point of view, in perspective. A criminal is a person who has violated the penal code; when he is apprehended, tried, convicted, and imprisoned he becomes in our minds a different person. Our attitude towards him is sharply altered, and in most cases it remains different regardless of what happens to him henceforth. In other words we tend to think always of the person, the criminal person. So long as this attitude of mind prevails those of us who do not ourselves happen to be thus labeled as criminals can find an easy escape from responsibility. Crime always remains something outside ourselves, something for which somebody aside from ourselves must be blamed. But the moment one ceases to focus upon the person and begins to regard crime as a situation, a social situation, at that moment he also begins to accept new responsibilities.

As a derivative of this situational approach, my second proposition becomes: The basic causes of crime are to be found in

1) physiological, mental and emotional defects in individuals;

2) malformations in our social institutions, economic arrangements, human relationships, and legal practices;

3) our failure thus far to recognize that to live under a democratic discipline implies that we are continuously involved in a moral struggle in which every grant of freedom must be matched by an increment of personal responsibility. (With respect to this interpretation of democracy, may I quote the late American architect, Louis H. Sullivan: "We live under a form of government called democracy. It is of the essence of democracy that the individual man is free in his body and free in his soul. It is a corollary therefrom that he must govern or restrain himself both as to bodily acts and mental acts; that, in short, he must set up a responsible government within his own individual person.")

The first use to be made of this statement of the causal factors in crime might very well be that of a test to determine the distinction between a genuine and a pseudo or superficial interest in the crime problem. Unhappily, because of the traditionally personal viewpoint respecting crime, many persons who profess a deep interest are rank sentimentalists whose lives, although free from criminal taint, are nevertheless lacking in social virtue. If one encounters a person who insists that he is alarmed over crime in our country and remains at the same time free from all active participation in programs designed to produce better human organisms, more adaptable personalities, and more adequate social, economic, and legal institutions, one may at once discount his concern for

crime. To be interested in criminals and not in the social situation out of which criminals arise is either a form of sheer hypocrisy or an escape from social responsibility. It may even be something of a more pathological nature.

Since it is my conviction that our unusual record for crime is a function of a general or societal situation, I do not, obviously, anticipate easy or quick solutions. In fact the crime problem is not like an exercise in mathematics; in one sense there is no solution since crime is a variety of behavior and behavior is constantly being reconstituted by changing circumstances. What we seek is not a solution in any perfectionist sense, but a long term program which will reduce the incidence of criminal conduct and cleanse the public atmosphere from most of its pernicious fumes.

A Long Term Program

The long term program which seems to me forecast by the causal statement appearing above will include:

- 1) steady expansion of all programs of action designed to furnish adequate medical care for all American citizens, public health measures, sanitation, and mental hygiene;
- 2) constant reorientation of all social institutions for the purpose of bringing their services into alignment with genuine human needs,—this includes economic measures designed to eliminate poverty, to elevate nutritional standards and to furnish basic security for all American citizens;
- 3) improvement in legal processes and practices including less reliance upon the positive law, elimination of the selection of judges, prosecutors and arresting offi-

cials from partisan politics, acceleration of the movement towards uniform laws, expansion of probation and parole services, and a wider range of flexibility granted to trained officials of prisons and reformatories. In this latter connection I have in mind the type of situation created by indeterminate sentences which nevertheless set a maximum for each particular crime. In many cases the prisoner must be released when his maximum term is served regardless of the stage which his treatment has reached.

4) an aggressive program of public education planned to equip individuals to live under a democratic discipline and to participate in a democratic culture.

The above items represent a program of action not merely for the individual who bears an official relationship to the law or to penal institutions, but for all earnest citizens. Wherever living conditions, poverty and ignorance are worst, wherever politics is most corrupt and graft more rampant, wherever the police are most inefficient and the courts most lax, and wherever the sense of personal responsibility which democracy demands is least pronounced, there crime will flourish. Consequently there is no escape from the conclusion that crime is a social situation and hence no remedial program which is not at bottom a social movement can promise success. When the American people find it in their hearts and wills to make democracy a going concern in terms of the whole of life, then and then only will the seeds of crime find it more difficult to grow in our soil.

Since I have laid so much stress upon personal responsibility it may be appropriate to close with an illustration which will leave no doubt regarding my meaning. The two most successful inventions in the sphere of penology of recent years have assuredly been probation and parole. Probation may be regarded as a substitute for imprison-

ment, and parole may be thought of as an alternative for that fateful and sudden transition from prison life to the normal life of the community. Both came into existence as a part of the humanistic trend of the nineteenth century which did so much to lessen the prevailing attitudes of sadism towards the criminal, and both received the approval of socially-minded citizens. But it cannot be said with any degree of assurance that either method has succeeded, although no humane person would advocate their abolition. Most of the critical literature with which I am familiar appears to fix the cause for failure at one point, namely the lack of adequate training on the part of probation and parole officers. While I concur in this criticism I do not believe that this is the primary cause of failure. On the contrary, it is my belief that when people hope that the ills of democracy will be cured by experts they have already gone astray. The best trained parole officer in the world could not succeed in reestablishing the young offender in the normal stream of community life unless the people of the community collaborated with him and with each other. I do not mean to imply that I oppose better training for parole officials. As a matter of fact I teach in a professional school where such training is offered, and in general I do not see how we can ever have too much training and intelligence. But what I am striving to point out is that experts functioning in a democracy can succeed only when their experience is blended with the experience of the people with whom they labor. If then we really want parole to succeed better than it has in the past, we need parole officers trained in a new way. The skill they need above all others is that of releasing the social forces of the local community. If they cannot do this, they cannot succeed no matter how much they know about criminology or individual psychology. What I have said here about

parole applies with equal relevancy to probation. Probation and parole officials, if they are to become efficient, must learn how to work within and through the democratic process.

"Mere obedience to the law," wrote Lord Moulton, "does not measure the greatness of a nation. It can easily be obtained by a strong executive, and most easily of all from a timorous people." In these days as we search our hearts and minds for reassurances regarding freedom and democracy, it may be well to remember that the situation calls for a higher obedience than that described by legal doctrine. We seek a way of becoming once more obedient to some deep and common cause, a common way of life, which furnished a spiritual sense of equality to its participants. If we cannot find it, we cannot have democracy and freedom. And for some of us the pathway leading back to this common cause may very well be a more sincere determination to do something constructive about crime.



Delinquency on the Distaff Side

MIRIAM VAN WATERS

*Superintendent, Reformatory for Women,
Framingham, Massachusetts*

SEPARATED in time from us by a century, the principle of John Augustus still holds. Probation as a method can be no more efficacious than the personal efforts and responsibilities of the probation officer. When in 1841 John Augustus petitioned the court to grant probation to a fellow creature and made himself responsible, he could not foresee the external changes in social organization which would beset our people. All honor to his simple forthright method of solving the problem, *Who is my brother's keeper?* All honor to the National Probation Association for commemorating this event. This Association is worthy of support in every community for it raises standards, promotes research and exchanges information.

About delinquency in women we have little new information. It is astonishing how scant is the attention paid to this topic in the recent literature. The *Annals of the American Academy of Political and Social Science* list only three articles since 1914. "Women in the Juvenile Court" was written by Emily Foote Runge. In 1918 Henrietta S. Additon wrote "Work Among Delinquent Women and Girls"; in September of the same year Martha P. Falconer wrote "The Segregation of Delinquent Women and Girls as a War Problem." The followup study by Sheldon and Eleanor Glueck of five hundred women delinquents from the State Reformatory for Women in Framingham, Massachusetts, has been

almost the only significant work since 1918. Delinquency among women, however, is not a minor social problem. Its importance to family life and community morale is out of all proportion to the small numbers of women delinquents actually involved.

Let us turn for a few moments to statistics. Since 1926 we have had a fairly accurate census of offenders in state and federal penal institutions. In 1938 there were 167 institutions in the United States for adult offenders. Of these 29 are federal. To these institutions 75,958 men were sentenced and 3807 women. The total confined were 152,741 — men 147,375, women 5366. It is reported that there was a 6.4 per cent increase for men in 1938. There was no percentage increase for women.

Let us look at some of the details:

| | <i>Men</i> | <i>Women</i> |
|--|------------|--------------|
| Murder | 1,826 | 135 |
| Manslaughter | 1,472 | 216 |
| Robbery | 5,992 | 106 |
| Larceny (not automobiles) . | 11,397 | 434 |
| Forgery | 5,363 | 189 |
| Serving sentences for juvenile delinquency in adult insti- tutions | 26 | 141 |

Analyzing the commitments, we discover interesting facts. Female commitments are larger in proportion to male commitments for murder, manslaughter and assault. For larceny and forgery the proportion committed to penal institutions is almost the same. Far higher proportions of females than males are committed for narcotics, liquor and neglect of children.

For all so-called social offenses, New England leads in the number of women committed. The Middle-Atlan-

tic states follow after; the Northwest and California commit few women on these charges.

It is obvious that there is discrimination in the handling of men and women by our courts. Lest you should suppose it is because the women are old-timers in crime before they are given sentence to a penal institution, the annual census states only 12 per cent of the women had prior felony records, whereas 25 per cent of the men had them. As to age grouping there is little difference. The median age of the committed men on all types of offenses was 26.7; for women 28.9. The marital condition shows differences: over one-fourth of the females were single, whereas one-half of the males were single. There is a much higher proportion of widowed and divorced females than males.

I am unwilling on the evidence to comment on any of these figures save to point out the obvious conclusion that sex discrimination exists. From a legal point of view it is difficult to see how this discrimination can be justified. Perhaps the law, out of ancient experience, recognizing the need for a differentiating treatment for women, rather clumsily prescribes an overdose of the same medicine. That delinquent women present problems out of all proportion to their numbers and the seriousness of their offenses is evident. Women need neither excessive severity nor leniency. It is imperative, however, that the special problem be understood.

In general it may be claimed that the chief progress in handling women's cases has been made in the institutions. Here we see carefully individualized work and a program of education. The strong points are training in child care, home management and the constructive use of leisure time. The weak points are lack of vocational guidance and modern training for modern jobs. Something too should be said about our failure while women

are on parole to provide a wholesome social life. But all in all women's institutions are taking steps to measure up to their responsibilities.

This would be some cause for satisfaction were it not for the fact that all the institution does could be better done in the community before sentence, if we had enough trained and enlightened women probation officers. The correctional institution makes it clear that delinquent women have marked abilities. Loyalty to children can be stimulated. Pride in self-support can be aroused. Rare excellence in handcraft, skill in industry, secretarial work, etc. have been demonstrated. But this is all often too late. Why not assign a good woman probation officer to every thirty cases? The expense is far less and the results are likely to be greater. The reason why fewer cases should be assigned to women probation officers is the constant and laborious work which must be done on the family situation. Then too the communities are backward in their attention to the recreational and social needs of women.

The Present Emergency

The problem now is before us in all its emergency. Not only are women needed for defense work, and for family conservation as never before in our national history, but it is clear that their delinquencies weaken morale. There is something insidiously undermining when a woman takes to drink or sex promiscuity. It is not that we should hold her more guilty than men for selfishness and irresponsibility. It is only that her failures have a significance far beyond their actual damage. The emotional life which engrosses women if turned predatory can destroy whole families. It is all the more blameworthy then that schools and communities have

done so little to understand the adolescent girl and to turn her emotional life to constructive uses.

Certainly when women and girls begin to follow the soldiers around the camps the remedy is not more law enforcement but better education and social work. In our attempt to stress the importance of health we have forgotten the reason for health which is joyful and fulfilled living.

Law enforcement should be directed against organized business of prostitution and corruption which pursues men and women away from home, congregated in army or defense industries. But what is happening, judged by penal sentences, is law enforcement directed against persons not bent on crime but seeking fun and excitement. Some women have been given sentences of from two to five years merely for pursuing the fathers of their unborn babies. The Federal Security is doing something to substitute social work for penal methods, but until the whole people are aroused to their responsibilities we shall see young people sent to prison and the profiteers escape.

Campaigns against disease and vice were waged in the last World War. It was then that leaders like Martha Falconer, Henrietta Additon and Jessie Binford sounded a call lest fundamental human values be overlooked. In preventive work, in constructive work, emphasis on fear, penalty and disgrace is misplaced. The gloomy picture should give way to a radiant one of what youth longs to be and can be.

Out of the last war came experience leading to a quick spurt of change in our reformatories for women. There are now twenty-six of these institutions in the various states and the federal government. In the best of them you will note use of the resources of religion, mental hygiene and aesthetics as well as medicine, social work

and job training. Granted the prison can teach moral and mental health, as the mental hospital does somewhat differently, it is not necessary to send everyone there. The methods can be put to work in the community.

The total number of women offenders in the United States is small but that is no reason for its neglect because it is a very important social problem. We note small interest, a small amount of research and dwarfed resources. By some outstanding women leaders in this field an attempt is being made to understand the basic pattern underlying criminal conduct in women. Little writing is being done but a certain amount of solid and fine work is in the making. Criminality among women is actually infrequent and we may expect its gradual disappearance. Delinquency on the distaff side is bad news for the human race. But the women themselves are so tremendously worthwhile and respond so loyally to a sense of responsibility that the communities of "right people" would do well to observe them. Modern penology and Christianity are one in refusing to let any one remain on a scrap heap.

III TRENDS IN JUVENILE COURT PRACTICE



Confessions of a Very Juvenile Judge

PAUL W. ALEXANDER

*Judge, Juvenile and Domestic Relations
Court, Toledo, Ohio*

I HAVE a dreadful confession to make! I, a juvenile judge, have been guilty of dallying with an alluring, intriguing, seductress. My political mentors have warned me against her wiles; my staff has reproved me with patience and damned me with faint praise; some of my brothers in law look askance at me; some of my colleagues in common pleas court shake their wise old heads sadly; and my colleagues on the juvenile bench have just cause to spurn me.

Like Tannhauser I despair of redemption, unless perhaps my present pilgrimage to Boston should prove my salvation. My seductive siren is a wicked legal heresy! It all came about through the naiveté, the blissful ignorance I brought to the juvenile bench when elected less than five years ago. Incidentally that very ignorance may have been my principal, if not my only asset. (Don't anyone rob me of it or I'll be bankrupt!) I had never served on any other bench, and had no traditions, patterns or preconceived notions to unlearn.

Not being wholly ignorant of my ignorance, I was impelled to read everything I could lay my hands on, and to visit leading juvenile courts within a radius of several hundred miles. Somehow, some of what I read and some of what I saw didn't seem to click.

In a quarter century's practice, along with both lawyer and layman I had come to regard a court as a "tribunal for the judicial investigation and determination of controversies"—a place where issues of law and fact are decided and the law applied to the facts found.

In what I read the authorities, sociological as well as legal, persisted (and still persist) in talking about the juvenile court just as though it were a court. Oh, they gave it a delightfully vague label, "socialized court," and had plenty to say about how it should be operated; but they seemed to take for granted that because it is called a court it must be one and in varying degrees must operate as one.

But what I saw (and I have visited juvenile courts from coast to coast) for the most part did not look to me like a court (except to a very limited extent) any more than your health department resembles a court when it quarantines a smallpox patient or commits him to the contagious disease hospital. Of course I am strictly confining my observations to the juvenile court in the exercise of its jurisdiction over delinquent children.

From what I saw, the investigations were distinctly nonjudicial; controversies were conspicuous by their absence; there was almost never an issue of law; issues of fact to be decided were nearly nonexistent; and whatever it was that was applied to the facts found (by said nonjudicial process) was anything but law although always within the law and authorized by law.

Naturally, as time went on and my own experience fortified my observations and cast doubt upon some of the pontifications of the pundits I fell easy prey to the enchanting spell of my seductive heresy. Shall I now unveil her and expose her charms to your scathing gaze? Very well, here she be: *Juvenile court is not a court!*

Now that you have recovered from the shock—or

amusement—of so iniquitous a spectacle you may be mildly curious to know what the court is if it isn't a court. My fair heresy whispers to me that the answer is best derived from an analogy.

Definition by Analogy

If a person's bodily functions deviate considerably from normal, if he keeps running a temperature, he consults someone trained to cure fevers—a physician. If a child's conduct deviates considerably from normal specialists are consulted who are trained to solve behavior problems.

If the patient's fever be so obstinate that the physician cannot treat it properly in the home, the patient is ordered to a hospital. If the child's misbehavior be so serious that it cannot be properly corrected in his home, he is ordered to juvenile court. The hospital is the strong right arm of medical science. The court is the strong right arm of social science.

The hospital gets the patient after he is sick. The court gets the child after he is delinquent. First thing the hospital does is to quiet the patient's fears amid strange and frightening surroundings. First thing the court does is to soothe and pacify the child.

The hospital doesn't scold the patient for being sick, although it may point out the inevitable consequences of eating poisonous toadstools. No more does the court reprimand the child for being delinquent, although it may point out the inevitable consequences of smoking poisonous cigarettes.

The hospital's function is to cure the patient and prevent him from becoming a chronic invalid. The court's function is to correct the child and prevent him from becoming a chronic criminal.

The hospital's primary concern is the individual patient; it protects society first by curing the citizen; second through quarantining the occasional dangerous patient, through research, developing techniques, disseminating knowledge, preventive medicine, etc. The court's primary concern is the individual child. It protects society first by reclaiming the future citizen; second through quarantining the occasional dangerous child, through research, developing techniques, disseminating knowledge, leadership in preventing crime and delinquency.

TIME for May 12 reports that forty per cent of our young men are physically unfit for military service, and quotes Dr. George C. Robinson: "It cannot be said that . . . since the World War . . . the health of young men has improved . . . [although] never before has medical knowledge and skill been at a higher level." Do we therefore condemn the hospital or try to strip it of every function save to determine whether a patient is sick? Perhaps it cannot be said that since the World War the behavior of children has improved although never before has social knowledge and skill been at a higher level. Even if this were so, should we therefore condemn the juvenile court or try to strip it of every function save to determine whether a child is delinquent?

Generally speaking, the hospital doesn't have to find out whether the patient is sick but why. Just so the court doesn't have to find out whether the child is delinquent but why. I wonder if this isn't something some of our sociological and legal advisers have lost sight of? Perhaps I had better digress a moment. Judge Wylegala of Buffalo says that less than three per cent of the children brought to his court deny their offenses. In Toledo in over 4300 cases in the past four years there have been barely a dozen instances in which the child did not readily confess his offense. Usually the arresting

officer has a confession before we meet the child. If not, the probation officer and psychologist in the course of their efforts to establish rapport with the child and win his confidence, are nearly always greeted with a confession often covering offenses police or parent never dreamed of. This of course is part of that nonjudicial investigation and fact-finding.

I suspect the fact-finding may not be so simple in very large cities where some of the youngsters may have learned from contact with adult gangsters never to talk. In such cases the juvenile court may be forgiven for assuming at least some of the major aspects of the adult criminal court. So much for the digression.

When a patient arrives at the hospital his history is taken. The same is done when a child reaches the court. The patient is thoroughly examined. So is the child. The patient describes his symptoms. The child discloses his delinquent acts, his symptoms.

Just as a full description of symptoms by the patient facilitates accurate diagnosis, so the child's disclosure facilitates the court's diagnosis—and more. It is a valuable prerequisite to successful treatment. Psychologically speaking, it fulfills the office of catharsis. Theologically speaking, it fulfills the office of confession, the basis of the sinner's forgiveness and redemption.

After diagnosis the hospital prescribes the proper treatment for the patient. After diagnosis the court does the same thing for the child. The hospital doesn't treat symptoms. It doesn't try to cure the fever patient by locking him in a refrigerator. No more does the court treat symptoms. It doesn't try to cure the truant by locking him in a schoolroom. As distinguished from adult courts, which often must ascertain proximate cause, the juvenile court starts by determining the ultimate cause.

The hospital sometimes inflicts pain on the patient, but

to cure or protect, never to get even. The court sometimes imposes discipline on the child, but to teach or protect, never to punish. To punish means simply to inflict pain. Indeed the words pain, punch and penalty are derived from the same root as punish. Whatever the philosophy invoked to justify punishment, the man on the street regards it as society's method of retaliation; *lex talionis*, an eye for an eye. A man does wrong; he should be punished! That evens the score!

The hospital often requires outside help, the cooperation of the family, nurses, special institutions, therapeutic apparatus. So the court requires cooperation of the family, other individuals, special agencies and institutions, therapeutic measures.

The Element of Authority

The hospital is authoritarian. Although usually the patient enters voluntarily, in cases of contagious disease or mental breakdown this may not be true. In any event, once the door closes behind him the patient loses his autonomy. Authority subjects him to all manner of examinations, dictates what he eats, when he sleeps, what he may and must do or not do, whether he may be visited and when, and generally orders his life—sometimes against his will, and sometimes for a long period following his discharge.

Of course the court is authoritarian. Like the patient, the child loses his autonomy, and authority generally orders his life, sometimes against his will (not so often as you'd think) and sometimes for a long period following his release.

It is not the patient or his family who determines when he shall be discharged. He is discharged only when, in the judgment of the hospital, neither patient

nor society will be endangered thereby. It is not the child or his family who determines when he shall be released. He is released only when, in the judgment of the court, neither the child nor society will be endangered thereby.

Neither hospital nor court pretends it can help every person brought in. In his article on "The Next Harvard" in this month's *Atlantic*, Archibald MacLeish points out that the innumerable sciences which have evolved around the study of the human body may be divided, as laymen know, into the sciences of analysis or diagnosis on the one hand, and the sciences of treatment or therapy on the other. As laymen also know, analysis has in general outrun treatment, so that physicians can recognize more afflictions than they can cure. So the court recognizes and labels problems and defects it cannot cure. Apparently in both fields diagnosis is easier than treatment. Is that any reason to withdraw support from either hospital or court?

The hospital does not employ amateurs, no matter how enthusiastic or well meaning, but professionally trained technicians. The same is true of the progressive court. The successful hospital does not appoint its staff members with a view to their ability to get business or enhance the hospital's popularity. The truly successful court does not appoint its staff members with a view to their ability to get votes or enhance the court's popularity, although a court that consistently disregarded public sentiment would soon come to grief financially and politically.

The Judicial Function

Now that I have you in condition to be hospitalized, shall we take up that matter I temporarily sidetracked,

the judicial function of the court, and see where the judge fits into the picture?

Be not afraid, my brethren! My captivating siren is very fond of judges. She wouldn't try to do without 'em for an instant! At the National Probation Association conference in Grand Rapids last year I heard it stated from the platform that although the judge's duties are ninety-five per cent administrative they are still five per cent judicial. And in some such limited ratio—limited as to time involved, not importance—my heresy concedes that the court's functions are necessarily judicial and the court is a court.

A legally trained judicial officer is an indispensable part of the picture. Quite aside from the many other phases of the court's jurisdiction, there are essential functions in adjusting delinquency cases which can never be entrusted to a layman. In those rare instances where an issue of fact develops there must be a judge to decide it, to determine whether the child did commit the offense. And who but a judge could decide the occasional issues of law, for example, determine questions of jurisdiction of persons or subject matter, questions of procedure, service, interpretation of statutes; pass upon the validity of affidavits or entries?

Always there is need of a judge to safeguard the constitutional guaranties of our federal and state bills of rights; to make sure no child is deprived of life, liberty or property without due process of law; that no parent is deprived of custody of his child without due process; that every child and every adult involved has his day in court.

In case records as well as in hearings the judge must detect and discount or eliminate incompetent evidence, hearsay, rumor, suspicion, the testimony of incompetent witnesses. He must guard against subjective as distin-

guished from objective attitudes on the part of his officers and referees. He must see that facts prevail over fancies, that science does not overstep the bounds of law or common sense in administering treatment.

The judge weighs such imponderables as the child's best interests over against the natural and legal rights of the parent; he acts as arbiter when scientists can't agree; he serves as a check and balance upon the legalistic demands of the attorneys on the one hand, and the idealistic demands of the theorists on the other.

Nevertheless I remain faithful to my fair heresy. Important and indispensable though this judicial function be, it is such a small part of the whole picture that essentially, fundamentally, practically, *not just theoretically*, the juvenile court is not a court. (Please remember, delinquency jurisdiction only is being considered.)

Attitudes to Change

So what? Well, I'm not the possessive type. I'm happy to share my siren with any willing victims. May I direct attention to some of her charms that most bewitch me:

1) If we who work in juvenile courts were to regard our courts more as hospitals, to become clinic-minded rather than court-minded, we might do a little less muddy thinking, we might be less apt to lose sight of fundamentals.

To illustrate: a probation officer investigating a complaint discovers the children's father contributing to their neglect and delinquency. Their mother is dead and the father is living in sin with a graceless housekeeper. Clearly the children should be removed from this impossible home situation; and the father is willing. But the officer, instead of removing the children, determines

to remove father and housekeeper. They are arrested for contributing, and after a trial consuming over two days, convicted. The children are placed in proper environment; the adults are placed in jail. After thirty days the adults are back together again. Now, had the officer been clinic-minded she might not have lost sight of the fundamental that ours is a protective, not a punitive agency; she might have been more zealous to protect these children and then go on to look after other children, instead of tying up court, prosecutor and half a dozen others for two days while she inflicted futile punishment upon the adults.

2) Many children and parents dread juvenile court. It has been held up as a bogey, a place of punishment for bad children and disgrace for their parents. It is a truism that this dread on the part of child or parent or both, gravely retards the work of the court. Wouldn't it be nice if we could induce all children, parents, teachers, police and others to look upon the court as a place to remedy maladies, not impose pain!

3) Financial support for most hospitals comes easier than for most courts. In Toledo the splendid hospital for crippled children, built by public subscription, operates at sixty per cent of its capacity and is crying out for children for its empty beds; while the tax-supported Child Study Institute (old detention home) is crying out for beds for its children who, because of overcrowding, sometimes sleep on floors in halls and lavatories.

In some communities it seems that nothing is too good for the orphaned, dependent or crippled child, but any old thing is good enough for the delinquent child. This sentimental tradition appears shortsighted to the point of tragedy. The dependent child is a potential burden on society; the delinquent, not only a possible burden but a positive menace. It might be easier to rectify this

unwise inequity if the court were more generally looked upon by the public and public officials as another kind of hospital.

4) Unfavorable publicity is often rooted in misconception of the court's true nature. This is to be expected of a hardboiled editor whom we have never deigned to enlighten. But it is a little disappointing when it comes from some of our professional mentors who should understand us better. If we could but get them to embrace my heresy they might soft-pedal their fulminations—they would not divorce case work from the court just because in their minds it's a court and therefore its functions musn't be anything but judicial.

There are other charms that may or may not appeal to you. "Every man to his taste," I always say, after hearing divorce cases at the rate of 1200 a year.

Now this heresy I am confessing is no mere infant, perhaps not even a sweet young thing. The record shows that at least as long ago as 1928 one of my distinguished colleagues may have dallied with her. It was Judge Charles W. Hoffman of Cincinnati who wrote that the state, in establishing the juvenile court, "had departed from the realm of legal procedure to that of governmental policy. . . . It is to be regretted that it [the state] was compelled to designate a *court* as the medium through which it was to operate. The juvenile court has but little in common with ordinary courts, except in one or two minor matters in which the judge is called upon to adjust the rights of parents and the state."

If any of you like, Judge Hoffman and I would be happy to move over.

After listening so patiently to my highly unorthodox presentation, my frankly whimsical confession, perhaps you feel as I often do toward the end of a weary day when I'm waiting for the last delinquent boy to be

brought before me; and I lean back in my chair and try to picture the irresponsible, happy-go-lucky youngster, and say to myself:

Here comes the happy moron,

He doesn't give a damn.

I wish I were a moron—

Good Lord, perhaps I am!



Dependency and Neglect Cases in the Juvenile Court

AGNES K. HANNA

Children's Bureau, U. S. Department of Labor

DURING the period from 1899 to 1915 all but a few states enacted legislation establishing juvenile courts throughout the state. At this time the only other local public provisions for care or service for children were institutions or boards of children's guardians established in some cities and in other areas in a few states, and the authority given to "poor officers" or local officials to place children in family homes on indenture. Juvenile courts, therefore, became in many communities the only local public agency with direct responsibility for the care and protection of children. The duties assigned to the courts included all judicial decisions as to the custody and guardianship of any unprotected or needy child and arrangements for his care through supervision in his own home or by individuals, state institutions or agencies, or voluntary organizations, and also the further responsibility of deciding on the need for support of the child from local public funds. It was a logical development, therefore, that further administrative responsibility was given to the courts in many states, on the first enactment of special laws authorizing expenditure of public funds for care of dependent children remaining in their own homes with their mothers.

The establishment of local public departments or administrative boards with responsibility for service and care for children, for the most part followed by many years the establishment of juvenile courts. This time ele-

ment is the basic fact that has led to misunderstanding of the relationship that should exist between juvenile courts and local public administrative agencies in their services for dependent and neglected children. It seems pertinent, therefore, to review briefly the development of local public welfare departments as well as some of the types of services that they are undertaking.

Development of Local Public Welfare Agencies

Until the last few years local public welfare agencies were seldom established on a statewide basis. In a review of statutory provisions establishing such agencies, made by the Children's Bureau in 1932, it was found that at that time permissive or mandatory laws creating local welfare agencies had been enacted in twelve states having local administration on a county basis, and in some of the New England states on a town and city basis. Few of these laws had been enacted before 1920. In four other states a state agency had made progress in convincing county officials of the need for establishing a local service or department for welfare purposes employing qualified workers. Data obtained at that time from nine states showed that out of the 760 counties within these states only 275 counties had employed one or more workers for services to children or families in need.

Since the enactment in 1935 of the Social Security Act, which made federal funds available to the states and other jurisdictions of the United States for welfare purposes, the situation has changed. Local public welfare departments or other administrative units with paid staffs have been established in most states in all jurisdictions of the state. There is, however, wide variation in the extent to which such local administrative units

have been given responsibility by statute for services to children. The laws of nearly two-thirds of the states authorize local public welfare departments or boards to provide such services. The provisions of many of these laws are quite brief, merely authorizing the local administrative unit to provide services and care for children who are dependent, neglected, in danger of becoming delinquent or otherwise in need of care; others define in detail specific services for children. Most of the states which have failed to place such provisions in their laws are administering public welfare services through local offices of the state welfare department.

Under the Social Security Act, federal funds administered by the Children's Bureau of the Department of Labor have been made available to assist state public welfare agencies and equivalent agencies in other jurisdictions of the United States in establishing, extending and strengthening, especially in predominantly rural areas or other areas of special need, public welfare services for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent. All of the states, Alaska, Hawaii, Puerto Rico, and the District of Columbia are cooperating in this program that has as its primary purpose to assist in making available to children in rural areas the services of qualified child welfare workers.

The December 1940 Social Statistics Supplement of the Children's Bureau monthly publication the *Child* presents in graphic form the areas in the different states that are being served by local child welfare workers paid wholly or in part from federal funds. In many states only a few areas are being served by such workers, but the picture does not include other areas served by child welfare workers paid from state and local funds which may have developed as the result of the demonstrations

conducted in the special areas where federal funds have been used.

Three developments in services of local public agencies for children have a particular relationship to the services of the court. The first of these is the development of preventive social services for children. Such services, made available to children and their families in the early stages of family maladjustments or of special difficulties of conduct or condition of a child, assist in preventing serious conditions in the home that might necessitate removal of the child. This form of service has long been given by private family agencies and children's aid societies. Until recently however public child-caring agencies have been primarily concerned with the care of children separated from their parents. Lack of public service that is preventive in character has resulted in referral of many cases to juvenile courts that needed service rather than court action.

The need for such service has been recognized in the federal-state programs of child welfare service previously discussed and as a result a large proportion of the children being served by child welfare workers are in their own homes. Data obtained by the Children's Bureau from cooperating state agencies show that on August 31, 1940, approximately 41,000 children were under care of child welfare workers paid wholly or partially from federal funds, of whom 76 per cent were receiving service in their own homes. An illustration of similar services in an urban area is the Protective Service Unit of the Board of Public Welfare of the District of Columbia. This unit was formally organized in January 1940 on appropriation of District funds for this purpose following a demonstration financed by federal child welfare service funds, made available to the District of Columbia. The report of the first six months' operation

of the unit showed that 1440 children in 574 families, including some carried over from the original demonstration, had been served during this period. These families and children had been referred to the unit by the schools, the women's bureau of the police department, the juvenile court, the public assistance division of the board, and by other organizations, parents, relatives, or other individuals. It was interesting to find that only 15 of the 646 children discharged from case work service during the six months had needed referral to the juvenile court.

The second feature of public welfare services for children to which I should like to call your attention is the acceptance of dependent children for care from their parents or relatives without court commitment. The precedent for a public agency accepting children for care without court commitment was established by Massachusetts as early as 1882 when the state child-placing program began. The concept of court commitments to state agencies in cases of children whose parents requested care originally arose doubtless from the fact that in some states local jurisdictions provided part or all of the funds for children for whom they were responsible and who were under the care of the state. This necessitated determination by an authoritative local agency of the need for care.

Unfortunately the requirement of court commitments in these cases of voluntary requests for care has been carried over in many states to local public departments even though its original purpose did not exist. The competency of public welfare departments to decide on the need of individuals for public support has been amply demonstrated. Should we not to be consistent accept such a determination in cases of children needing public support away from their own homes, when no problems of

custody or guardianship are involved? Why should we continue to burden court dockets with unnecessary cases? You might be interested to know that the House of Representatives has just passed a bill extending the responsibilities of the Board of Public Welfare of the District of Columbia to include authority to accept children for care from their parents or relatives. This bill has the approval of all the agencies in the District, including the juvenile court.

The final problem in the development of welfare administration for our consideration is the need for central administration of public funds for child care. This is a controversial question but it is one that should be given careful consideration by the courts that are ordering local funds for child care as well as by persons concerned with administration of public services. In a number of states that are largely rural, local public funds for care of children away from their homes have been so limited that state funds have been made available to supplement them. This has resulted in the referral or commitment of all children needing public support to the public department which arranges for care in foster homes or with private institutions or agencies.

Although the programs of these states have developed only recently, this principle of public administration of public funds for care of children away from their own homes has been incorporated into the laws of some states that have had local public departments for many years. The advantage of this procedure is that the public administrative agency charged with responsibility for conserving public funds and conversant with child care programs is alert to prevent continued use of public funds in cases where it is no longer necessary, regardless of whether such funds are used for direct care or are made available to private institutions or agencies caring for

public wards. A planned program of expenditures of public funds for child care is as important as for other forms of public assistance.

Jurisdiction in Juvenile Courts

I am approaching the subject of dependency and neglect cases in the court from the standpoint of statutory provisions. This may seem a limited approach, as sound practice may be developed in administration even under inadequate laws. On the other hand, the basic conception and the procedures embodied in a law must of necessity affect practice.

There is some variation in juvenile court laws in definition of the particular situations that bring children within the jurisdiction of the courts as dependent or neglected. In eight states the term "dependent" or "neglected" is used for all situations other than delinquent behavior that bring a child before the court. Usually the term dependent applies to a child whose parents are unable, for various reasons, to provide care for him, or who because of having no living, willing, or competent parent or responsible relative to assume his care is in need of court action to determine his custody or guardianship. Neglected, on the other hand, implies either some fault or some omission on the part of a parent, guardian, or custodian to provide the care or direction necessary for the child's welfare, or some wilful or overt action of such a person that endangers the child's welfare or deprives him of parental guidance through abandonment.

If children who are dependent because of financial reasons alone are accepted for care by public welfare departments it is evident that the purpose of court action in dependency cases is to assure adequate care for the child by placing him under competent custody or guard-

ianship. The situations involved in neglect are far more varied and may necessitate different types of action to assure the child's welfare in his home, or it may be necessary to arrange for other custody or guardianship for him. It is in the area of commitment of dependent and neglected children for care away from their parents that the greatest variations are found in juvenile court laws. These differences are seen in the character of the commitment as affecting the retention or termination of the parental rights of the parents, the procedures used to give custody of a child to an individual, the authority given to an agency receiving the child, and the continuance of jurisdiction by the court after commitment.

Since early established procedures often affect later legislation in any field, it is interesting to find that the first juvenile court law enacted in Illinois in 1899 has had a significant effect on provisions relating to commitment of dependent and neglected children. This law included a section on guardianship which stated in brief that when a child was awarded to any association or individual the child, unless otherwise ordered, became a ward subject to the guardianship of the association or individual. This guardian was authorized to place the child in a family home and to become a party to any proceedings for adoption of the child. Similar provisions are now found in the laws of fifteen states¹ but in five of these states the authority of the guardian to consent to the adoption of a child is qualified by the requirement that special authorization for or assent to such action must be given by the court.

In 1907 Illinois completely revised several sections of its juvenile court law including sections on petition, dispositions, and guardianship. The provisions of this later

¹ Arizona, Colorado, Florida, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, New Hampshire, Oklahoma, Rhode Island, Tennessee, Vermont and Washington

law, still retained in Illinois and found in the laws of four other states,¹ followed the tradition of general guardianship laws and provided for the appointment of a guardian rather than commitment to guardianship. A dependent or neglected child could be awarded to care of an individual appointed as guardian or committed to the care of an institution or association providing care for children, in which case an official of such institution or association was appointed as guardian. The authority conferred on such guardians was more limited than in the original law, since the right to consent to the adoption of a child was not given in all cases. Any guardian of a child on a subsequent petition, or if requested in the original petition, might be given complete responsibility for the child including authority to consent to his adoption, provided that on review of the findings of the court it was found that the situation of the child conformed to conditions specified in the law.

The special provisions of these early Illinois laws have been reviewed not only because they have been embodied in the laws of more than a third of the states but also because they show different interpretations of the responsibilities given to a guardian. The guardianship conferred in the 1899 law involved permanent care and the equivalent of parental responsibility for the child implied by the right to consent to his adoption, whereas in the 1907 law the term guardian was used both for a person receiving the custody of a child and for a person receiving the equivalent of parental responsibility. The laws of a number of states use the term guardianship in the restrictive sense of having legal authority for custody of a child.

It is interesting to find that the laws of a few states provide for transfer of permanent responsibility for a

¹ Arkansas, Nevada, North Dakota and South Dakota

child through commitment to the permanent care, custody, and control of an authorized agency. The laws of many states have no provision for awarding responsibility for planning for the permanent care of a child through commitment to a child welfare agency; although the need for such a procedure under special circumstances is recognized by the courts and is provided for by them in the order of commitment. A few of these laws however give the court authority to appoint a guardian for a child.

The problem of major concern in all cases where the permanent care of a child is transferred to an agency or to a guardian is that during the hearing the parent or parents of the child whose parental rights are terminated thereby are fully aware of the actual significance of such action. The safeguard of defining special procedures in such cases is provided in the sections of the laws of California and Wisconsin relating to termination of parental rights, and are also found in the states that have enacted provisions for the appointment of a guardian of a child similar to those incorporated in the *Standard Juvenile Court Law* of the National Probation Association. A court using sound judicial procedures would require assurance that the parent understood the meaning of the commitment before it was made, but without definition in the law there is always danger that a few courts will not use such procedure. The Children's Bureau has received a number of letters from parents who had thought their children had been committed for temporary care during an emergency and who later discovered that one or more of the younger children had been adopted into other families without their knowledge of such action.

The commitment of children to individuals is another provision of juvenile court laws that needs consideration. The care of a child committed to an agency is safeguarded by the requirement in practically all of the states that

agencies and institutions receiving children for care are under the direct supervision of the state welfare department. An individual on the other hand is not subject to supervision unless this responsibility is assumed by the court. It is for these reasons that the *Standard Juvenile Court Law* provides for commitment of children to the custody of institutions and agencies but in the case of individuals merely provides for placement of children with individuals under the supervision of the court. The idea of commitment to individuals originated in early juvenile court laws but it is still to be found in the laws of two-thirds of the states. Undoubtedly, there are a number of cases in which a person, usually a relative, should be given complete responsibility for a child. Such situations should be provided for through appointment as a guardian rather than through commitment to custody.

Closely related to the subject of the commitment of dependent and neglected children to custody or permanent care is the question of the need for continuing jurisdiction of the courts in such cases. It is an accepted principle that boys and girls under supervision of the court while on probation should continue under the jurisdiction of the court for as long a period of supervision and discipline as is needed, even though they get beyond the age jurisdiction of the court. Lack of continuing jurisdiction of the court in such cases might result in the need for control of some of these boys and girls by courts having criminal jurisdiction. It is interesting to find in reviewing juvenile court laws that this basic principle of continuing jurisdiction has been extended in many states to include all children coming before the courts, regardless of whether or not they are under the direct supervision of the courts. An interesting illustration of this situation is the provisions relating to discharge of boys

and girls in state institutions for delinquent children found in the juvenile court laws of a third of the states. In the larger number of these states the children committed to these institutions are specifically exempted from continuing jurisdiction of the court, whereas in others the court is variously authorized to discharge all children committed to such institutions, to approve such discharges, or to require reports on discharge.

The continuance of jurisdiction of the court in dependency and neglect cases presents a different situation, although in an occasional case of a neglected child remaining in his own home under the supervision of the court it might be necessary to continue supervision beyond the age jurisdiction of the court. The three basic concepts on which continuing jurisdiction in these cases is provided are: 1) that continuance is necessary for modification of orders to return children to their own homes; 2) that the agencies receiving children are not competent without court supervision to provide care or to undertake service to the child's family to remove the need for such care; 3) that the court has responsibility for assuming the care of children.

The right of a parent, an interested person, or an agency to appeal to a court for change in an order of commitment of a child is an inherent right. Provision for a hearing in such cases is provided in the *Standard Juvenile Court Law* and the laws of a few states. The factor that really affects the welfare of a dependent or neglected child is the competency of the agency accepting him for care rather than long distance control by a court. The development of competent agency services for children is the responsibility of state welfare departments that are vested with authority to prescribe standards of service and care of children to which agencies must conform. It is interesting to find therefore that the laws of

a third of the states, following the tradition established by the Illinois law of 1899, still provide for the appointment by the court of a committee to visit and inspect the institutions and agencies receiving children from the court.

In a few states dependency and neglect jurisdiction is provided for in a separate act, and in a few others dependency and neglect cases are dealt with in special sections of the law. Except in four of these states and Wisconsin that limit continuing jurisdiction to delinquency cases, the application of the provision for continuing jurisdiction to dependency and neglect cases is not always clear. The laws of twenty-four states, however, give definite indication that the courts are carrying continuing responsibility for such children either through providing care for them or supervising the care given by agencies.

The laws of four states declare or authorize the court to declare that children before the court are wards of the court and subject to the care and control of the court. Similar provision is made in the laws relating to individual courts in two other states. In another four states the law specifically exempts from continuing jurisdiction dependent and neglected children committed for permanent care or on final order but children needing temporary care remain under the supervision of the court. Provisions for supervision of children committed to agencies or institutions, the requirement of reports from these organizations or the declaration that children committed to such organizations are under orders of the court are evidence that continuing jurisdiction in dependency and neglect cases is being undertaken by the courts of sixteen states.

Administrative Control

Another problem associated with court services for dependent and neglected children is the continuance of

the purely administrative service of placing children needing care away from their homes in other family homes. This service, as has already been stated, originated in the lack of other public administrative service for children when juvenile courts were created. This need should no longer exist. In fact in some places the continuance of child placing by the court and the availability to the court of local public funds for this purpose has prevented the development of adequate services for children in public welfare departments. Child placing belongs in an administrative agency that should be further authorized to provide such services for children as will assist in preventing the need for foster care or referral to the court as neglected children.

This child-placing service of juvenile courts is not clearly defined in the laws. The declaration that children are wards of the court places the courts *in loco parentis* to the child and carries broad responsibility for his care. An occasional law authorizes the court to appoint a probation officer as guardian of a child. The authority for the court to place a child in a family home under supervision of a probation officer is interpreted by some courts as an occasionally used provision for temporary care of a child who has been under supervision of the court in his own home; other courts use this provision as the basis of a child-placing program. Reports from several states show that placements of dependent children by some courts include placements in prospective adoptive homes. Furthermore, some of these reports show that the judge of the juvenile court sitting as judge in adoption proceedings later approves these same adoptions. This is a strange combination of administrative procedures and judicial functions, certainly not contemplated by our laws.

There is a close parallel between the limitations affect-

ing public administrative agencies because of the priority of administrative services for children in the juvenile court, and the limitations affecting juvenile courts because of prior allocation to other courts of judicial functions relating to children. Some of these judicial functions, such as establishment of paternity of a child and jurisdiction in adoption cases, are beginning to be transferred to juvenile courts, some still remain in other courts. The appointment of the guardian of the person of a child, a matter needing careful investigation and thorough understanding of the needs of children, was added almost as an afterthought to laws providing for the appointment of the guardian of the property of a person, and responsibility for such appointments was vested in courts having jurisdiction in probate matters.

Many persons appeal to these courts for appointment as a guardian of a child when no question of property is involved. The motives back of these applications are many and varied. A relative wishes to legalize a close family relationship to a child whose parents have died. Another situation is the relative who hurries to the court to obtain the guardianship of a child over whose custody controversy exists among relatives. In a brief recently prepared showing the need for social investigations in guardianship cases, instances were cited of persons whose petition for adoption of a child had been refused, applying for appointment as a guardian of the child. It was interesting to find in a study made by the Children's Bureau that in one state in which the juvenile courts have no authority to confer guardianship of a dependent child through commitment to an agency or through appointment of a guardian, that consent to adoption in some cases was given by the guardian of the child appointed under general guardianship laws.

The juvenile court is the court best equipped to deal

with problems of controversy over the custody of children and to decide on the competency of a person seeking the guardianship of the person of a child, yet the number of states in which these responsibilities have been given to juvenile courts is extremely limited. The juvenile court laws of eight states, the District of Columbia, and special laws in three other states give the juvenile court some responsibility for dealing with controversy over the custody of a child. In five states and the District of Columbia such jurisdiction is limited to children already before the court, or a child whose custody is subject to controversy is defined as a dependent or neglected child. Yet many of the cases for which the assistance of the court might be sought do not involve either dependency or neglect. The provisions in the remaining laws provide for a broader interpretation. In Georgia the juvenile court is given concurrent jurisdiction with courts of record in all cases except those in which such courts have exclusive jurisdiction, and in Ohio the juvenile courts may determine the custody of any child not a ward of another court. The law of Alabama is merely permissive, authorizing other courts to certify questions or writs relating to the custody of children to the juvenile court.

Provisions for the appointment of a guardian of a child, other than those previously discussed as involving commitment, have been made in the juvenile court laws of five states, the District of Columbia, and in a few special laws. In all of these laws the appointment of a guardian is limited to children under the jurisdiction of the court.

In the light of present conditions there is need for review of provisions of juvenile court laws relating to dependent and neglected children. The progress that has been made in the development of competent public and private agency services for children and the competency

of public departments to decide on the need for a child's support from public funds should be recognized. The juvenile courts should encourage the development of public preventive services for children in their own homes by immediate referral to the public welfare department of all children coming to the attention of the court whose situation does not necessitate judicial action. Such a plan would release the heavily burdened staff of the court for more intensive services to children having conduct and behavior problems or in need of supervision because of serious neglect. Since the purpose of the juvenile court is to protect the welfare of children, consideration should be given to the desirability of transferring to the juvenile court the appointment of guardians of the persons of children, and the desirability of provisions for cooperative service between the juvenile court and other courts having jurisdiction in cases involving custody of children.



Social Case Work in the Field of Juvenile Probation

HELEN LELAND WITMER

*Supervisor of Research, Smith College School
for Social Work*

TO take as a topic for a paper, social case work in the field of juvenile probation, may be equivalent to laying down a gauntlet, for there are many who maintain that all probation work is case work. It is my thesis however that social work is a very specific system of organized activities based on a body of values and technical rules which are becoming increasingly well formulated, and that it has a definite function to perform. It is not a vague, indeterminate method of doing good or promoting welfare, or even of helping people out of trouble, indistinguishable from psychiatry at one end and uplift work at the other. Instead, close examination of the activities which all competent authorities agree belong to the field of social case work shows that these activities attain distinctive character by reason of their function in organized society.

This function is not necessarily revealed in the stated purposes and objectives of social agencies; rather, it is discovered by a study of actual accomplishments. Such a study suggests that it is the common function of all types of case work to help individuals to remove the impediments to their effective utilization of specific organized groups and their services. For instance, one type of case work is directed toward people who encounter difficulties in family life, another toward those who use the services of relief agencies; those who find difficulty

in availing themselves of clinics and hospitals are aided by medical social workers, those who do not fit in in school may become the clients of visiting teachers. And so on. In all of these situations social case work centers around helping individuals with the difficulties they encounter in a particular group relationship. If this is a correct analysis of the primary function of case work the problem of its role in probation turns upon the question of the particular group relationship with which probation is concerned and whether the probation officer gives help with it on an individual basis.

This question appears to be somewhat more complicated in probation than in some other fields in which case work operates. For the probation system is a part of the juvenile court system, and that in turn is a part of the law-enforcing system of the state. But this formal separation and delegation of power which characterizes the social organization called the state does not make it really different from other social institutions, for authority is vested in particular individuals in all forms of social organization—in the school principal, in the father (or perhaps the mother) of a family, in the employer, in the hospital superintendent. What is important for our purpose is recognition of the fact that the child who offends against the law, the court which decides his case, and the probation officer to whose supervision he is assigned are, with respect to these acts, all members of the same social organization. The child—to express the situation in our previous terminology—encounters difficulties in his relationships with the organized group, the state. His problem is considered by the authority-bearing agent, the court, and may be judged unlawful. The function of the court with respect to the delinquent (as distinguished from its expressed purpose, which at one time has been to punish and at another to reform) is to in-

stitute measures to prevent the continuance or repetition of such behavior. For the facilitation of that function a probation system has been set up. Now the question is: does that probation system operate as social case work or does it use other means of furthering the court's function?

It is clear that as the work is now carried on there are two fairly distinct modes of operation, one of which is clearly social work and the other probably not. The latter—unfortunately—is the most common. Under this system probation officers are usually appointed for political reasons, they have few or no other qualifications for their jobs, and the job itself is conceived as a very routine one which any reasonably intelligent and well-meaning person can perform adequately. In accordance with this conception of the work the probation officer in delinquency cases is required to obtain information for the judge about the child's home conditions, (whether the parents are people of good character who provide for the child's physical needs and supervise him adequately), his school record, his previous court record, and his reputation in the neighborhood. Then if the child is put on probation the officer must see to it that he reports to the office regularly about his conduct, must perhaps visit the child's home and school or employer occasionally to check on his behavior, and otherwise exercise a disciplinary sort of supervision¹ over him.

In contrast, some probation work is definitely directed toward individualizing the treatment of the child who is regarded as "maladjusted to society and its laws." In order that the judge shall know what kind of treatment to prescribe, it is commonly held necessary that a complete record of the child's capacities and environmental

¹ Judge Joseph N. Ulman of Baltimore defines probation as "a method of supervised extramural discipline" in *Probation and Criminal Justice* edited by Sheldon Glueck, Macmillan, 1933, p. 109.

situation be compiled. The probation officer therefore must secure full data about his behavior at home, school, and in the neighborhood, his previous contacts with the police and courts, his living conditions, his relationships with and attitudes toward parents and siblings and theirs toward him, his religious and recreational affiliations, the character of his associates, his physical and psychological assets and liabilities. In brief, what is required is a "comprehensive investigation into the social, economic, and cultural antecedents and circumstances, as well as the character and personality, of the offender."¹

On the basis of this material the probation officer's duty is to make an "analytic diagnosis of the factors involved in the case" with a view to finding the type of social treatment which will effect the delinquent's social readjustment. This diagnostic statement he will present to the judge (it is agreed by all writers that the judge will not have time to read and consider all the voluminous data collected!), who will base his decision upon it, after which it will be the probation officer's duty to supervise the child through office interviews and home visits, unless he is committed to an institution. It will be noted that this conception of the probation officer's task is an exact duplicate of the kind of case work which found its final expression in Mary Richmond's *Social Diagnosis* (in fact that book is constantly recommended by writers on probation) and like it, it puts more emphasis on diagnosis than on treatment.

The treatment aspects of this kind of probation work, although not very clearly worked out, follow the general lines of old-fashioned family and child welfare work. Much attention is given to producing what is considered a favorable environment for the child, which means that

¹ Ralph Hall Ferris, Director of the Domestic Relations Division of the Recorder's Court of Detroit; Glueck, *op. cit.*, p. 138

foster home care is quite frequently used.¹ Attempts are made to remedy the child's physical disorders and defects. Affiliation with organized recreational groups is secured and church contacts are encouraged. School changes are made if thought necessary; vocational guidance is offered. The objective is to bring about the child's "reintegration into society as a self-sufficient and permanently useful member,"² and that end is thought to be frequently obtainable if the probation officer will put enough energy and wisdom into working out his plan. Of course the child's part in the program is not overlooked, but it is conceived as one of cooperation. Even Hans Weiss, one of the most skilled of probation officers with rare understanding of children, said: "The probation officer is the executive of the plan. He organizes the helpers—teachers, club leaders, agencies, judges, clinics, parents, older brothers and sisters. The central link in the chain is naturally the child. Unless he is won over to the realization that he is on the team and not playing against it, our efforts are bound to be futile."³

That in its individualization of treatment and attention to social aspects of the problem this kind of probation work is social case work cannot be denied. But it lacks the sharpness of focus and precision of method which perception of specific function has given to case work in some other fields. Recent developments in case work make it increasingly clear that it is not its task to attempt to effect total readjustment of an individual but rather to offer help in regard to difficulties which he is encountering in some particular group relationship. Likewise since the sources of dissatisfaction, the reasons for

¹ For an interesting description of the use of foster homes for delinquents, see Charles M. Schermerhorn, probation officer of the juvenile court of San Francisco, "Delinquent Boys in Foster Homes" *The Offender in the Community Yearbook* National Probation Association 1938, pp. 225-239.

² Ralph Hall Ferris; Glueck, *op. cit.* p. 141.

³ Hans Weiss "The Child on Probation" *Yearbook* National Probation Association 1929, p. 100.

the inability to operate well in relation to the organized group or to make use of its services are known only to the person concerned (even if he cannot analyze them logically), and it is only through his efforts that changes can be made, modern case work works *with* the client rather than on his behalf. Modern theory however puts much emphasis upon the voluntary nature of the client-case worker relationship, and it is therefore held by some that the probation officer cannot follow modern case work methods. It has been occasionally suggested, in consequence, that probation and case work should be separated; that the probation officer should stick to his job of collecting information for the judge and checking on the child's behavior while on probation, while those children who need social treatment should be turned over to child welfare workers or other social agencies. Others, however,—equally “modern” in their case work point of view—hold that authority is a necessary element in the treatment of delinquents, and they would apply modern case work practice to probation rather than transfer the treatment function to other case work agencies.¹

Juvenile Court Law

The crux of the situation, it seems to us, lies in the interpretation of the juvenile court law. This law was established in order to take children out of the jurisdiction of the criminal law, with its jury trials, limitations in types of data admissible as evidence, and fixed penalties, and to permit the court to adapt the sentence to the needs of the case. To justify this departure from established legal procedure the common law doctrines concerning the young child's incapacity for criminal intent

¹ Robert C. Taber “The Value of Case Work to the Probationer” *Dealing with Delinquency Yearbook* National Probation Association 1940, p. 167. This article is one of the few statements of the “new” point of view in probation work.

and the court's function of *parens patriae* were adduced, for otherwise it might be held that juvenile courts do not proceed in accordance with due process of law. Concentration of attention on the social and psychological factors associated with delinquency and the kinds of measures needed to alleviate them has led in theory however to a disregard and almost denial of the whole legal situation. Rather than affixing penalties or setting restrictions judges are said to prescribe treatment, and all that is ordered is held to be for the child's own good. The court in carrying out its parental duties to its wards is put almost in the position of the father who claims that it hurts him more than it hurts the child!

Several consequences follow from this situation. In the first place, as the complicated character of the factors involved in delinquency and the need for careful adaptation of treatment measures in individual needs have become increasingly evident, there has been much talk of substituting social workers or psychiatrists for judges if treatment is to be prescribed from the bench. The proposal to give the treatment of the children over to child guidance clinics, child welfare workers, or other non-legal agencies is part of the same argument, which is fundamentally based on the assumption that the delinquents have committed their misdeeds through no fault of their own and should be regarded as patients and not as culprits.

Second, the legal fiction that delinquents are like dependent and neglected children in being wards of the state may often lead to the placing of blame on the home situation and to the too easy assumption that if children are removed from their homes and put in a "good" environment all will be well. The more subtle aspects of delinquency causation thus tend to be neglected, and emphasis is put upon the tangible elements in the

situation. Here too the court is inclined to act like a father who, once he has provided well for his children, holds them ungrateful and recalcitrant if they do not take advantage of their excellent opportunities.

This assumption of the parental function by the court may also account in part for the fact that the probation officer's work is conceived as that of taking charge of all aspects of the child's life. If the court is going to be the good parent it must see to it that its children's physical defects and disorders are remedied, their school programs carefully adapted to their needs, their recreation supervised, their religious duties attended to. In other words, the delinquents must be provided with all they are presumed to have missed through their parents' neglect—the underlying theory being that well-cared-for children are not likely to become delinquent. The theory is probably true in the main but the essential elements in the good care of children are those which a court can provide only with great difficulty: affection, security of status, and an opportunity for achievement—and those only if the children are emotionally prepared to accept them.

To suggest that it is not within the court's and the probation officer's function to attempt to remedy all the unfavorable aspects of delinquents' lives is not to deny that many delinquents have need of numerous kinds of help. But so do hundreds of thousands of other children. The situation is similar to that which has been found each time welfare services of any kind are set up. The granting of general relief under social work auspices revealed a vast array of physical and social disabilities from which clients suffered, and the aid-to-dependent-children program has also raised the question of whether its social workers should be responsible for the total welfare of the children to whom grants are made. To

give a negative answer to this question sounds inhumane but the resolution of the difficulty is found in informing those in charge of the children about the available sources of help and in reporting to legal authorities the cases of gross neglect. The opposite procedure, by which social workers under any and all auspices undertake to deal with all the unfavorable aspects of their clients' lives, results in their assuming a position of too much power over the clients and in confusing the issue around which their own service really centers.

To return to the court situation. What changes would logically follow from the recognition that even in juvenile cases the court's function is judicial and that the disposition determined upon is usually felt as punishment? For such really is the case. In the organized group which is the state, the rules governing the relation of members to each other are enforced through courts, which have the task, first of all, of deciding whether the charge is well founded, and second, of arriving at decisions which are designed to prevent the recurrence of the forbidden behavior. The juvenile court plan grew out of recognition of the fact that the current deterrent measures were unsuccessful and a belief that delinquents would alter their behavior only if the causes of their misconduct were removed. Granted that when the juvenile courts were set up these causes were believed to be largely external to the delinquent (a swing away from the old belief in individual responsibility in moral issues) and that later research showed psychological factors to be equally or more important, nevertheless the court plan was not so much designed to relieve the individual of responsibility for his acts as to find a way of keeping him from repeating them which would be beneficial to both himself and others. In brief, the whole court and probation process centers around and finds its reason for

being in the fact of delinquency. The delinquents know this and in the main accept it, much as they may fight against the restraints imposed. It would seem that the judges and probation officers should accept it too, for then the stage would be set for both parties to the dispute considering, in deepest seriousness, what can be done to prevent the repetition of the unpleasant situation.

In this process of deciding upon a course of action the judge has need of the probation officer's investigation, and it would seem that the investigation should pay more attention than is usual to the delinquent's side of the story. How far the probation officer needs to go into this in the prehearing interviews will depend in part however upon how specific the judge is in his imposition of penalties. If the judge's work is to be confined—as some authorities propose—to determining guilt or innocence and the need for penalties of some kind, and he leaves the rest to the probation officer or some other authority such as the department of child welfare, not so much need be known about the causes of the difficulty as if the judge has the duty of deciding the specific measures (such as institutionalization or removal of the child to a foster home) to be followed.

The Probation Job

Social work around the problem of delinquency comes into full play, however, once it has been decided that the child needs the court's supervision. It is here that modern case work thinking would suggest changes in the usual procedures of probation officers—and probably in those of social workers in institutions as well. Case work, it is held, should start with a frank recognition of the fact that the child has had restrictions imposed upon him and that the reason for this lies in certain of his deeds.

Nor under this theory should the probation officer dissociate himself from the authority of the state. It is his job—both he and the child recognize it—to find out whether the probation conditions are observed, as well as to institute measures which may lessen the likelihood of the repetition of the illegal behavior.

The centering of the probation officer's attention around the delinquent acts is what differentiates this kind of probation work from that which is generally recommended. According to the plan usually proposed, the delinquency tends to be forgotten or pushed aside, emphasis is put on the probation officer as the delinquent's "friend," and efforts are made (theoretically) to deal with all aspects of the delinquent's life which seem to the probation officer to be unsatisfactory.

The new approach is more firmly based on reality. The right of the probation officer to be in the case at all is based on the child's delinquency. Both he and the child know that. They also know that to be subjected to the restrictions laid down by the court is usually unpleasant and is a kind of punishment, a fact which is evidenced by the imposition of greater penalties if the child's behavior does not change. The question then before them (and the fact that it is a matter between them and not one which primarily involves other people is one of the distinguishing characteristics of the new point of view) is what to do about it. Within this framework of restrictions the probation system offers the delinquent an opportunity to work out why he has gotten into trouble and to help him to remove the obstacles which stand in the way of his being law-abiding.

The center of probation work therefore is the child and his disapproved behavior. Investigation of the environment surrounding him—both physical and personal—may be called for, and the probation officer may need

to have the advice of physicians, psychologists, and psychiatrists if the child's physical and mental capacities seem to be conducive to his delinquency. The help of parents, and foster parents, teachers, recreation workers and others may have to be enlisted, but through all the work—motivating it and giving it direction—is the fact of delinquency and the objective of its elimination. Since ultimate control over that rests with the child, both his and the state's purpose is best served by planning with him rather than about him. The probation officer as a case worker offers his help to the child in overcoming and preventing a repetition of the situation in which the child finds himself, but he cannot by his own efforts force such changes to take place. The help may include many of the same activities as those used by probation officers under the other system (enlisting the parents' and teachers' interest, finding a suitable foster home, arranging for work or recreation); but these things are done not primarily because the probation officer thinks they will forward the child's general welfare and so indirectly prevent further delinquency, but because the lack of them is specifically related to the misbehavior, and usually so recognized by the child.

The causes of delinquency are many and complicated, and we do not mean to imply by these statements that a child can be a good diagnostician of all of them. What is meant is that insight into causes can seldom be obtained when the child's feeling about the numerous aspects of his situation is left out of account, nor are plans in which the child has no part and which do not engage him actively in improving his situation likely to be effective in developing his desire and ability to avoid further delinquency.

When probation is viewed in this light (as being a situation in which a child has been placed by the duly

constituted authority of the state because of his misdeeds) and the probation officer accepts his part as representative of the state in both an authoritative and service capacity, it seems doubtful whether the proposal to delegate the treatment of delinquents to other social agencies is valid. This might profitably be done of course if the kind of assistance the other agency affords is what is needed to overcome the delinquent tendencies. For instance the treatment services of a child guidance clinic may be required for children whose delinquency is traceable to a psychiatric disability; those of a child placing agency if the problem revolves around the child's adjustment to a foster home. But even such cases would probably entail a joint decision with the child, so that he would know why he was using the services of the other agency, and joint work on the part of the probation officer and the other agency as well. In such cases the probation officer would retain his responsibility for finding out whether the child is abiding by the probation rules, as well as for consulting with the child about the progress of the treatment measures.

Under such a conception of probation work the old problem of how to carry on case work within an authoritative setting disappears. In probation work it is authority which creates the situation in the first place and which determines its conditions and limits. The help which the probation officer offers the delinquent concerns the difficulties which brought him into that situation, and the help is afforded in the hope that through it a way will be found to prevent its recurrence. The probation officer cannot be helpful to his client by denying these facts, for the delinquent knows them full well. He cannot play the role of a "friend," for as all delinquents maintain, a friend would not report one's misdeeds to the judge. He cannot play the role of a therapist, for the essence of

therapy lies in its nonjudgmental character. He can only be what he is—a representative of the state, employed both to give aid and counsel to each delinquent with regard to eliminating or avoiding the situations productive of delinquency and to keep the court informed about the delinquent's progress in this endeavor. This assistance will often include attempts to improve the child's home, school, or neighborhood situation if it is there that the present basis of the difficulties is found, but the central focus of treatment remains the child, and upon the probation officer's ability to arouse his interest in and assumption of responsibility for change its outcome depends.



Tying the Clinic with the Court

PAUL HOLMER, M.D.

*Director, Guidance Clinic of Berks County,
Reading, Pennsylvania*

CHILD guidance clinics came into being because of public concern with the problems of juvenile delinquency. In 1909 Dr. William Healy started the first child guidance clinic in connection with the juvenile court of Cook county, Illinois. In 1921 child guidance clinics received an enormous impetus for their further development when the Commonwealth Fund undertook the work of sponsoring demonstration clinics in various parts of the country. It is noteworthy that they stated their aims as follows: "The purpose of the Commonwealth Fund clinics is to develop the psychiatric study of difficult, predelinquent, and delinquent children in the schools and juvenile courts; to develop sound methods of treatment based on such study; and to provide courses of training along sound lines for those qualified and desiring to work in this field."

Over a period of years the emphasis in child guidance has been away from the problem of delinquency. Clinics have developed independently of juvenile court work, and many of them do not mention delinquency or consider its study an important part of their function. Helen Witmer in her book *Psychiatric Clinics for Children* states, "It soon became apparent, however, that there were disadvantages to working wholly through the courts and that the most effective preventive work was to be done with children whose misconduct had not yet been accounted legal delinquency. The later clinics were there-

fore established in connection with hospitals or schools, and referrals were sought from parents, teachers and social workers." With this view I agree, but it is unfortunate that in many cases clinic workers lost all interest in the problem of juvenile delinquency so that opportunities for a close working relationship between courts and clinics were lost.

It seems to me that the future of both the juvenile court and the child guidance clinic depends on the development of a liaison between the two. I doubt if either agency can function with complete effectiveness without the participation of the other. Any juvenile court which does not use or does not have available child guidance services most certainly fails to make use of modern techniques for the diagnosis and treatment of behavior disorders in children. The clinic which is uninterested in delinquent behavior arbitrarily deprives a large proportion of children of a service which it is peculiarly suited to provide. Furthermore it is undoubtedly true that many small communities unable at present to finance a clinic could do so with additional support from tax funds which the participation of court agencies would insure. It is my conviction that the child guidance clinic and the juvenile court are mutually dependent. Instances frequently arise in dealing with children's cases where the clinic must enlist the aid of the court. In the Reading clinic the working personnel maintains a continuous informal contact with the judges and with probation and parole officers. Frequently an informal discussion with the judge will clear up some point as to disposition or responsibility for the welfare of the child.

Our clinic receives cases from a wide variety of sources in the community. Last year there were twenty-five different sources of referrals. It happens that approximately one-quarter of the clinic case load was referred

by court agencies. Our financial support comes from community chest funds and also from the juvenile court itself. The case load is not unbalanced, and since the larger proportion of the cases are referred by other than court agencies we are not in danger of being misinterpreted by the community as purely a delinquency clinic where people who have misbehaved are referred. We believe that the close relationship with the court has many advantages for us. It happens very frequently that cases referred from other sources uncover problems requiring the special services which only the court can provide.

Our clinic serves both the juvenile and adult courts. Adult cases are referred by judges, the district attorney's office, parole officers, magistrates, and by the prison warden. The careful and comprehensive study given these cases embodies the physical condition, psychological reports, psychiatric interpretation and a social work evaluation. Such a study, because it attempts to understand the total personality of the individual, inspires confidence in the clinic findings. This is especially true if in the writing of reports the clinic is careful to avoid technical psychiatric language which is usually recognized as an attempt to cover up the examiner's own confusion. Reports which are clear and concise, and which indicate our emphasis on the study of the individual rather than the delinquent act, are invaluable aids in introducing a mental hygiene point of view. Our constant personal contacts with the district attorney's office, with parole officers and others, provide further opportunities to define clinic functions and stress a dynamic outlook on behavior.

It has been our experience that this approach is reflected in the referrals which come from court agencies. There was a time when only feeble-minded and psychotic adults were referred. In recent years an increasing num-

ber of cases have come to us where therapeutic services are required. Guidance clinics with their emphasis on the need to understand the whole life situation of the individual, his environment, the state of his physical health, his family relationships, his intellectual capacity and educational achievement, and finally his adjustment to himself and to the world he lives in, must necessarily cover a wide range of human activity. This brings about a situation in which the functions of the clinic will appear to overlap those of other agencies in the community. There is certainly some overlapping as far as the field of family case work is concerned, and no doubt this is also true in probation and parole. From this there occasionally springs professional jealousy so that the family worker or probation officer feels that the clinic encroaches on his field. This is sometimes due to the ill-advised enthusiasm of young and inexperienced clinic workers who proclaim that the psychiatric clinic is the only qualified agency to deal with the problems of mankind. No mature and experienced psychiatrist or psychiatric worker could possibly entertain such a view.

Cooperative Relationships

Usually the better trained the family case worker is, the better trained the probation officer is, the more frequently do they seek the psychiatric consultation service that the guidance clinic offers. In order to demonstrate the many ways in which an informal and cooperative working relationship between the clinic and the courts and other agencies can be mutually profitable, I shall cite briefly a number of cases from our own experience in which both clinic and court were active. We occasionally study cases where a child is receiving harsh and cruel treatment at home so severe as to require the court to

intervene. In one such case a child and his mother were referred to the clinic by a pediatrician. The child, a three year old boy, was repeatedly admitted to the hospital for treatment of traumatic injuries. He was covered with scars and bruises and one year previously had spent almost two months in the hospital with a leg fracture. The child's younger brother, seventeen weeks old, died in the hospital as the result of a skull fracture. All of these injuries the mother attributed to unavoidable accidents. She, however, told many conflicting stories about how these injuries occurred, and considerable suspicion arose that in some way she herself was responsible. The mother came into the clinic several times and was interviewed by both the psychiatrist and the psychiatric social worker. Home visits were made. The mother had had a total of five children, three of whom were boys and two were girls. It is interesting that the first child, a boy, died of pneumonia in infancy. The second child was our patient who had suffered from traumatic injuries, and the third boy died of a skull fracture, supposedly from a milk bottle accidentally dropping on his head. The physicians at the hospital felt that it would be impossible for a baby to develop such severe trauma from the accident described. The mother was noted as very unstable. She showed considerable hostility to her boy children, but interestingly enough, a positive relationship with the girls. It was found when home visits were made that the girls were always beautifully taken care of, whereas our patient was always in a miserably neglected condition. Although there was no direct evidence which would stand up in court to prove that this mother had actually caused the child's injuries herself, there could be no doubt that the child had been abused and outrageously neglected. The clinic was successful in this case by working with the family and at the same time with the court,

in having the child taken under the care of the court and placed in a foster home. To this arrangement the mother had no objection, and as a matter of fact, she appeared quite relieved to have him taken off her hands.

Frequently probation officers doing intensive case work with children use the clinic for psychiatric consultation. Often in these cases we never see the child but are able to give the worker psychiatric guidance in the management of case work processes. In one such case a probation officer was seeing an adolescent girl who had become incorrigible and unmanageable at home, who frequently ran away and stayed out late at night, was defiant, and was failing completely in her adjustment. The probation officer was carrying this case fairly intensively, but difficulties soon developed due to the intensity of the relationship that arose between the worker and the girl. We were able through case work supervision to help the worker to handle this relationship and to make it a constructive thing for her client.

Many of the cases which come to the attention of the juvenile probation officers never actually appear in court. We found that when we have won the confidence of the probation officers they will often refer cases to us for study and treatment, and that frequently the necessity of going through a court procedure can be avoided.

Very often cases come to the probation office where there is extreme dissension between the parents and the child. The parents wish to use the juvenile probation service as a disciplinary measure in the hope that it will force the child to conform. The probation office quite rightly considers this a misuse of their function and in these cases they discuss the service of the child guidance clinic with the parents. It is not that the parents are encouraged to think of the clinic as a further threat against the child, but that the clinic is presented to them as a

place where an attempt is made to understand and remedy the causes of the difficulties existing in the home. In other cases where the delinquency is of recent origin the juvenile probation office frequently feels that it would be harmful to the child to place undue emphasis on the act, and that constructive use can be made of the clinic service. A nine year old boy was referred to the clinic by a probation officer. His mother had reported that this boy had been stealing over a long period of time, that he was uncontrollable and defiant. The mother in her interviews was extremely bitter about the child's behavior, complained that he was running away, that he was stealing, and that the difficulties had steadily increased. This boy would roam about the city and frequently be gone for twelve hours at a time. The mother had resorted to dressing him up in his sister's dresses in order to prevent him from running away. This she stated upset him a good deal. Frequently he would go away for a day at a time and refuse to tell his mother where he had been. He stole occasionally from five-and-ten cent stores and from neighbors, but most often he stole at home from either his mother or his stepfather.

The mother in discussing this boy in subsequent interviews showed an extreme hostility and resentment toward the child. She seemed completely unable to think of anything good about him. Her rejecting attitude was as severe as any we have ever encountered. It developed that this boy's father and mother were divorced about four years previously. The boy's real father had been a very unreliable person. He did a great deal of drinking. He frequently abused the boy's mother when he was drunk, and she very often had him arrested for drunkenness and nonsupport. She was extremely unhappy with him and grew to hate him. At the time when this boy came to us his real father was in prison on a charge

of theft. The mother felt there was a marked resemblance between the boy and his father, that they looked alike, and that they also acted alike. She felt that the boy had definite criminal tendencies which he had inherited from his father. She said that she could look ahead and see a criminal career cut out for him.

We found the boy himself a very attractive, amiable, and outgoing child. He very quickly formed a friendly relationship with the psychiatrist and for a time we attempted to work with the child and with his parents in his own home. The boy's relationship with his stepfather was very poor. The mother had had a second child by the stepfather who was interested in his own baby but showed very little interest in our patient. He did not mistreat him but totally ignored him. It soon developed that the mother was quite apprehensive for fear that she would not be able to hold her second husband. She feared that Robert's misbehavior might disrupt the home. The mother was a rather shallow and selfish person and there was reason to believe that she had had the child in this second marriage with the primary purpose of enhancing her own precarious marital security.

As we grew to understand the mother better we became more and more convinced that nothing could be accomplished by working with her. Her attitude of rejection was so complete and so outspoken that it appeared that nothing would change it. On the other hand the boy's behavior really had become somewhat extreme and naturally showed little change. We finally took the case to the juvenile court and brought about foster home placement. We continued to work intensively with the child for the first year after foster home placement was resorted to. We were able to predict that adjustment for him would be a very difficult matter, and so it proved to

be. The boy did pretty much the same thing in the foster home that he had done in his therapeutic interviews, which was constantly to test out the situation, to see how far he could go, to refuse to accept the limitations in the interview, and to try constantly to do things which he knew the therapist could not permit. Even when given the almost boundless liberties that the therapeutic interview provides, he would always manage to find something that the therapist could not permit him to do. It appeared that he was struggling constantly to find where these limits were, and to see whether or not we would turn against him if he violated these limits. When he discovered time and again in his therapeutic interviews that we still accepted him even when he had violated the limits, and when he discovered a foster mother who was willing to be tolerant and accepting and who would not get rid of him because of his misbehavior, he gradually began to make a better adjustment. Many times, however, the foster mother was on the point of asking the child placing agency to remove him because she felt that his behavior had been too extreme. Each time a skilful worker was able to help her understand what the boy was accomplishing with his behavior, what it would mean to him to be again rejected, and each time she continued to accept him. Gradually a very warm relationship developed between them, and the boy over a period of time made a very marked improvement. One year after he was placed his adjustment was considered quite satisfactory, and we were able to close our therapeutic interviews in the clinic.

Procedural Cooperation

Either the psychiatrist or the chief psychiatric social worker attends most of the court hearings, often even when the clinic has not been active in the cases under

consideration. Frequently the clinic workers are asked by the judge to give an opinion as to treatment plans for a child, or to give some information as to the community resources available as an aid in planning for the children.

It sometimes happens that a case is referred by other than court sources, and behavior appears in the child which is so threatening or dangerous to the community that the clinic feels it cannot take the responsibility alone, and must call on the court. In one such case a fourteen year old boy indulged himself in fantasies of being a big-shot gangster. His mind appeared to be almost entirely preoccupied with grandiose ideas. He fancied himself as an underworld overlord. He talked in terms of maintaining a huge estate in the country which was to be the headquarters for gang activities. His gang was to operate in many states and he would direct their activities by short wave radio. All of these fantasies were harmless enough as long as he was content with merely enjoying them. When it developed, however, that he was having an increasing urge to act out his fantasies, when he began to carry a revolver about with him and definitely to plan holdups, the clinic decided it could no longer accept the responsibility and asked the court to take the boy under its jurisdiction.

The informal atmosphere of the clinic is often very useful to court agencies as it has a tendency to bring out a clearer picture of difficult situations than is possible in the more formal and severe atmosphere of the court or the district attorney's office. People are much more likely to reveal their inner feelings when they can sit down alone with a clinic worker in a quiet room, and especially when they do not feel that they are threatened in any way. This has been particularly helpful in cases of family dissension which come to the district attorney's

office, where frequently people complain of their marital partners or perhaps of their neighbors. The district attorneys are often able to sense something unusual in the attitudes of the people involved, and refer them to the Guidance Institute for study and advice. In many of these cases the decision as to whether any court action is to be taken is left to us. The clinic is sometimes successful in promoting a reconciliation between a husband and wife even at the point where the wife was requesting the district attorney to swear out a warrant for her husband's arrest.

An example of a very intelligent referral made by the district attorney's office was the case of a twenty-one year old man. This man, one week before the day he was to be married, entered the place of employment of his fiancée, whipped out a gun and attempted to seize the payroll. He had made no attempt to disguise himself, and furthermore he was easily recognized since he himself had been an employee of the same concern about a year previously and frequently called there to take his girl home from work. The robbery attempt was very clumsily carried out and he was captured while still in the building. It developed furthermore that the young man was working, that he was fairly secure financially, and that he had no need for the money which he had attempted to steal. While it would be too much to say that the referring agency understood that there were unconscious motives in bringing about this behavior, they were certainly able to recognize that this case had definite psychological implications.

Another case referred to us from the district attorney's office was that of a woman who demanded that the district attorney appoint a commission to examine her common-law husband with the purpose of having him committed to a state mental hospital. When she was referred

to us she described his eccentricities, but it soon developed that these were not severe, and that furthermore they had been present over a period of a good many years. The social worker in talking with this woman in an informal atmosphere brought out a burst of confidence in a somewhat childish and naive person. This woman was middle-aged and exceedingly plain in appearance. She was so unattractive that she undoubtedly had had very little success in attracting men, and to her complete surprise and delight she suddenly discovered that another man in the neighborhood had become romantically interested in her and wished to marry her. She said, "That just seems too good a chance. I cannot let it go by, but what am I going to do with my present husband?" It seemed that the only way out was to complain about his eccentric behavior and have him committed to a mental hospital, which would solve all of her difficulties and make it possible for her to embark on a new and more satisfying romantic venture.

We find that court workers are both willing and anxious to use the clinic whenever the particular approach which we offer gives promise of aiding in the solution of a case. Some time ago about ten children in one of our neighborhoods had formed a club which met at the house of one of the members. The club was composed of both girls and boys, all between the ages of thirteen and sixteen. All of these children entered into various delinquent activities. The girls often made the rounds of the five-and-ten cent stores and the department stores. They would often go in groups; one of them would divert the attention of the clerk and the others would engage in shoplifting. In addition there was considerable drinking. In one way or another they were able to obtain whisky, and some rather lively parties ensued. Sexual relations between the boys and girls regularly took place.

There was no attempt to carry this on secretly and usually various couples would have sexual relations quite openly in front of all the others. A total of ten children were involved. The clinic did not study all of these children, but in discussing the cases with the probation officer we selected about half of them for study. The boy in whose home the club met had a mother who was suffering from a psychosis. She was so completely occupied with her own fantasies that she had no idea what was going on. The boy proved to be a very likable youngster of good intelligence, who simply drifted into delinquency because of a complete lack of supervision over a period of many years. In several of the girls' cases we found that they were growing up in homes where they had very little security, practically no supervision, and a continued example of delinquency on the part of their parents. In one such case the girl was illegitimate. Her mother was an amiable person but completely irresponsible, and was constantly bringing various men to the home so that the girl undoubtedly witnessed sexual episodes. It was only natural that she should begin to emulate her mother's behavior. We did not feel that in a single one of these cases there was anything vicious about the behavior, only what might be expected considering the environment and training which these children received. In several cases we found fairly good respectable parents who had simply been in complete ignorance of what was going on. Where the parents were able and willing to assume responsibility, the children were promptly dismissed. In several cases the home environment was so extremely detrimental that we decided foster home placement would have to be resorted to. These children were not brought into court as a group because we felt that each case should be decided on its own merits, and that no good would be gained from the excitement and dis-

cussion this would probably cause both among the children and their companions in school. The court was willing to disregard the seriousness of the behavior and consider primarily the welfare of the children themselves.

Research Projects

Finally I would like to suggest the very important research function of the child guidance clinic. Since the clinic is able to draw upon the combined skills of the physician, the social worker, the psychologist and psychiatrist, it is in an especially strategic position to carry on research projects on the psychodynamics of behavior. It is to be expected that such research will add greatly to our store of knowledge of the nature, causes and prevention of delinquency. The parole and probation officer as well as the community at large has a right to turn to the clinic for aid in the management of child delinquency. If we accept the modern psychiatric point of view that every human being is a unique personality, then it follows that research and treatment must go hand in hand. I would suggest therefore that clinics dealing with delinquency should be primarily treatment centers and not merely diagnostic centers. In the diagnostic clinic the most that can be hoped for is the compiling of statistics which, while not entirely without value, are for the most part rather sterile and fruitless. It is only when we are able through an intensive study and treatment process to understand the inner motivations of behavior that we can throw light on the real causes of antisocial behavior.

IV AIDING THE ADOLESCENT



The Challenge of the Young Offender

THOMAS E. DEWEY

District Attorney, New York County

ONE hundred years ago in the city of Boston probation was born. It was a cobbler who had the vision and foresight to start this work. If he could come back tonight he would thrill at the great strides which have been made in social betterment where he opened the pathway. Here tonight to do him honor and to celebrate the one hundredth anniversary of probation are gathered from all parts of the country, judges, probation officers, social workers and many others. We here share the belief of John Augustus that something can be done for a fellow human being in trouble.

One day in 1841 John Augustus happened to be in police court when a man was arraigned for drunkenness. The prisoner was unable to pay his fine and was about to be taken to jail. Something in his hopeless face appealed to John Augustus. He asked the court to bail the defendant in his custody. He offered to assume full responsibility and the court granted the request. At the end of the period of probation Augustus reported that the man's whole appearance was changed and one could hardly believe that he was the same person who on the date of sentence had trembled before the bar of justice. America had had its first successful probation case.

At first John Augustus worked only with drunkards. But his faith in the principle of probation was so great

that he soon extended his activities to other cases. They were not all so successful as the first. But he continued tirelessly, giving of his energies and money. He was also confronted by an obstacle all too frequently met by workers in the field of social progress—the retarding force of public suspicion, and what is even more serious, public ignorance and misunderstanding. Today those forces continue to hamper us.

Originating in America, probation is thoroughly American in its conception and in its ideals. It has made great progress in the past. Valuable contributions have been made by thousands of people and the National Probation Association has furnished sterling leadership. But probation is still in its infancy and its future is glowing with promise.

Forty years ago probation was practiced in only seven states. Today every state in the Union has at least a limited probation service for adults or children, or both. And for the past fifteen years there has been probation in the federal courts.

Probation has been defined as “preventive justice.” It is just that. It recognizes the fact that not every man convicted of a crime is beyond redemption. In proper cases it permits society to withhold final judgment on a lawbreaker by giving him an opportunity to resume life as a respectable citizen. The only alternative to probation is a term in a prison or reformatory where too few are reformed.

Probation is a good business investment. It is far less expensive to the taxpayer than imprisonment. For instance in New York state it is estimated that the cost of supervising a probationer is \$50 a year while the cost of keeping a man in prison is about \$500 a year. Moreover, probation has proved its soundness as a method of public protection. In New York City, for example,

a ten year survey showed that 85 per cent of those on probation went straight.

Handicaps to Progress

But probation is still far from perfect. A mistake made in one community arouses public suspicion against the system everywhere. For one thing in too many instances politics is a controlling factor. In many jurisdictions the appointment of probation officers is based on political considerations rather than training and aptitude for the job. A large part of the public still believes that probation is the back door through which the politically favored slip out. Unfortunately that impression too often is based on fact.

Parole, often confused with probation, is also subject to political control. The sale of paroles to convicts is notorious in many jurisdictions. Political control of probation or parole is a vicious practice and dangerous to both. It is even more dangerous to the public and its confidence in justice. Fortunately, progress is being made in both fields. Gradually both are being recognized as professional work, and appointments and removals are being made on the basis of fitness rather than influence.

Speaking only of probation, seven states now have civil service requirements, statewide or at least in special areas. There at last is real progress. Moreover in many local jurisdictions where civil service is not in effect appointments are being made increasingly on merit and only after examinations. Let me make this very clear: probation must be no part whatsoever of the spoils system. Selection of workers must be based on merit alone. For this you who are leaders must stand up and fight. I am confident that every judge and law enforcement officer present tonight will support you in that fight.

Probation should be a career service. Furthermore every probation officer should have a decent salary. No man or woman who has his own financial worries can concentrate on the worries of others.

Another great barrier in the way of progress is the fact that the standards in probation itself are too low in many jurisdictions. No defendant should ever be considered for probation treatment until a complete investigation and psychiatric examination have been made. This guarantees the use of probation only in worthy cases and safeguards the interests of the community as well as the offender.

Proper standards cannot be maintained when the individual probation officer is loaded down with too many cases. In New York City today the average case load is upwards of one hundred per officer. To work effectively a probation officer should have no more than thirty-five to fifty cases under his supervision at one time.

Probation as Part of Law Enforcement

Given adequate facilities and personnel, probation can do a job that greatly strengthens the administration of justice. To this after ten years as a public prosecutor I can testify. In my county the Court of General Sessions has an extremely effective probation department. Under the direction of Irving Halpern, that department functions as an integral part of the law enforcement machinery of the community.

Shortly after I took office as district attorney of New York county, the probation department of the court brought to my attention the case of a young colored boy who had been convicted by my predecessor of the possession of a revolver. He was awaiting sentence and he faced a prison term of ten to twenty years. The pro-

bation investigation uncovered certain suspicious circumstances which raised questions as to the defendant's guilt. My office made a new investigation and the witnesses who had testified against this boy finally admitted that they had perjured themselves to help a policeman frame him. As a result the boy was freed, and the policeman was sent to the penitentiary for perjury.

In another case five defendants, all under twenty years of age, were arrested for breaking into parked automobiles and stealing valuable property. Investigation by the probation department brought out the fact that these boys were actually working for an older man. He provided them with food, drink and lodging. They turned over the stolen property to him, receiving only a small percentage of the proceeds themselves. This information was turned over to the assistant district attorney handling the case and resulted in conviction of the real culprit.

Typical of the kind of rehabilitation that a well-implemented probation department can accomplish is a case in which an entire family of five was given a chance to start life anew. The defendant was a married man twenty-three years old, with three children. He had stolen about \$1000 from his employers, squandering it on drinking and gambling. He showed no interest in his home or children. The probation department, with its knowledge of community resources, rallied all of them to rehabilitate this family. The wife needed prenatal care and hospital facilities were provided. Necessary medical treatment was arranged for the children and they were sent to a summer camp. The probationer himself was placed on home relief and persuaded to attend evening school. As a result he got a job. He was able to start repaying the money he had stolen. He began to save money. He returned to his church and his children received religious instruction. Thus by integrating its

work with schools, church, police, hospitals and welfare agencies probation service saved not one man but a whole family.

The public is too little aware of this sort of work even though it is a matter of routine with well-organized and efficient probation departments. If the public only knew of the great saving not only in money but in human lives effected by probation, the resistance to the expansion and strengthening of this work would disappear. Too often the popular conception of the probation officer makes him either the toughest kind of a jailer or a coddler of criminals. Actually he is neither. He is both the protector of the public interest and the friend of the probationer.

These things the public should know. On the other hand I am utterly opposed to the publication of confidential information obtained in the course of probation investigation. There may be proper exceptions in the discretion of the judge, but they are rare. Reports of work done can be made without identifying the cases.

The one great field in which probation operates and from which the community can derive the greatest benefit is in saving the youth who gets in trouble. In New York county twenty-five per cent of all the defendants involved in criminal cases are in the age groups between sixteen and twenty. The thieves of New York City are mostly boys. Half of those accused of stealing have not even reached the voting age. Prosecution is not the ultimate solution of this problem.

A Special Program

A district attorney can do much to correlate justice and social help for youthful offenders. In my own office, for example, we have taken special steps in this direction:

1) In our general policy we have regarded the function of our office broadly as the protection of the public, including not only aggressive prosecution of public enemies but also the protection of the innocent and the recognition of society's own blame for a given individual's clash with the law.

2) We have broadly liberalized the practice of releasing youthful offenders usually in the custody of their lawyers or parents. This avoids the detention of young defendants in prisons where they may be thrown together with hardened criminals pending trial. It also means that freedom while awaiting trial is not dependent alone on ability to raise bail.

3) In New York the children's court handles only boys and girls up to the age of sixteen. In the absence of a youth court for older boys and girls we have taken steps with the cooperation of the judges of the Court of General Sessions, to provide a more progressive treatment for youthful offenders in instances where there are no elements of violence. A youth sixteen years old who climbs through a transom to steal a few bars of candy is no burglar. Neither is a boy who hops into a car and drives it around the block guilty of grand larceny. Yet in the eyes of the law such offenses are regarded as felonies. Under the new practice which is used in cases of first offenses only, such young men are treated as wayward minors and thus are saved from the stigma of a criminal record.

4) Every year our office handles upwards of 1000 cases involving youthful offenders who are either acquitted or dismissed by the grand jury or by the court. Obviously, in the majority of these cases, there are social, environmental, or psychological factors which have brought about conflict with the law. In the past such youths, once freed, have boasted in too many instances

of how they "beat the rap." And too often they are soon right back in trouble again. In an effort to readjust these young people in society, we have recently established a youth counsel bureau. This bureau functions as an integral part of the office. It is under the supervision of an experienced social worker aided by trained experts provided by social agencies in the city.

These are mere steps in a broad program in which the district attorney can play but a small part. The challenge of the young offender offers an opportunity for the coordination of the work of all agencies dealing with crime prevention, law enforcement and rehabilitation. In fact, there should be a comprehensive program which begins with the first evidence of delinquency and continues unbroken until the young offender is finally ready to assume his rightful place in society.

In the future we may look forward to emphasis on the possibilities of social adjustment for young persons with delinquent tendencies *before* they are arrested. Parents, schools and other public and community agencies should work together under a definite plan of crime prevention. There will be individual cases in which the work of these groups comes to naught. But the results of study in each case should be available to the courts, prosecuting officials and the probation department. Then if the case results in imprisonment, these agencies in turn should work in close harmony with penal institutions and parole boards. In other words, the conception of the treatment of the youthful offender should take on a planned and scientific aspect in which all agencies function as an integrated whole.

John Augustus dreamed probation and made it become a reality. Tonight as we observe the hundredth anniversary of probation, we here can foresee a system which begins even before an arrest is made and continues


to the point of rehabilitation. This will not come today or tomorrow. It will come only after a great deal of labor and the moulding of public opinion. Mistakes will be made. But the dividends in salvage of human beings and the greater protection of the public will be well worth the labors and the difficulties involved. Progress will perhaps seem slow. And we must recognize that we shall never cure the faults of human nature. But we must continue to the point where we have explored all the possibilities of social controls as a substitute for prosecution.

In cases of delinquents probation complements the natural control of the home. Often the indicated treatment is to deal with the parent rather than with the delinquent child. You and I know that the worship of ancestors and the respect of elders is the essential part of Chinese life and religion. In this connection it is interesting to note that in the entire history of the children's court of New York City there has appeared only one Chinese child. This was a little boy who had misbehaved in school one day. After school he disappeared. His family sent out an alarm for him and he was finally apprehended sitting on a bench in a park and brought to the court. When asked why he had run away, he said, "I'm ashamed to go home. My teacher said I was a disgrace to my family."

There is something fundamental in that story. The shift in emphasis to crime prevention rather than prosecution must be accompanied by a renewed stress in our society on the home, the church, the school and respect for authority. Without their aid, much of the effectiveness of our labor in the field of crime prevention will be lost. With these fundamentals restored to their proper place will come the feeling of responsibility within the individual. For it is only when the individual

realizes his responsibility to society that he can be said to be completely adjusted and ready to become a useful and productive citizen.

All of America's citizens are important. The youth of today is doubly important for the work of tomorrow. We are occupied today with world affairs, with problems of national defense. During these times of crisis the importance of many things which have been our constant concern may be overshadowed. That must not happen to the work about which we have talked tonight. No governmental agency, either local or national, must be allowed to minimize the importance of probation work. The progress of probation must continued unabated. This work must go on, I know you will carry it on.



Adolescent Changes as a Factor in Delinquency

FRITZ REDL

Wayne University, Detroit

THE following statements about physical development during adolescence are so well corroborated by research that they may be considered commonplaces:

1) The body of a child does not simply stretch into the body of an adult by becoming bigger and stronger. It undergoes a number of most elaborate and complicated changes in its respiratory and glandular functions, in bone structure, heart growth, and so forth.

2) The various changes in the body of a growing youngster do not necessarily occur at the same time, nor in a smooth developmental line. There is a wide range of speed and timing with a tremendous variability from individual to individual. Even sudden spurts of growth or wide deviations in the growth curve have been found entirely normal.

3) During the period of sudden or more dramatic growth of one function or organ of the total system, the body as a whole does not stand the same load and should not be exposed to exactly the same treatment as at other times. The body of even the healthiest child may at such times need help and protection from certain forms of strain. It should not be subjected to increased demands just because of the outward appearance of its near to adult size.

4) The bodily behavior of rapidly growing youngsters does not necessarily develop in a smooth line. On the contrary, more frequently than not the total efficiency of a child's body is seriously impaired and its smoothness of function disturbed during that time. Yet this phenomenon as a whole is perfectly normal and must be considered a symptom of healthy growth.

5) If the body of a rapidly growing youngster is treated in a way which disregards its minimum requirements for healthy growth, serious damage is done to the physical endowment of the later adult.

The conclusions from these commonplaces for the education of children have long been drawn. They are well known to even poorly trained workers in all branches of the educational field. Certain minimum demands for healthy adolescent growth must be guaranteed during adolescence to all children. It does not make any difference what our specific educational goal may be, nor whether we rave with enthusiasm over their promise of achievement or burn with moral indignation at the depravity of their actions. Any educational institution feels itself bound to respect these minimum requirements. Even stern believers in punitive strictness would halt their desire for reprisals before these barriers.

It is surprising to realize that our thinking about children has been much less concerned with their growth in emotion, character and personality. Many people who would readily sign the first list of accepted statements would need persuasion about the one to follow, and it is as well founded in scientific research. About that part of adolescent growth which we may briefly term the "personality development" of children, the following analogous statements seem to be in place:

- 1) The personality of a child does not simply stretch itself into that of an adult by becoming bigger and wiser. It undergoes during adolescence a number of most elaborate and complex changes concerning the functioning of intelligence, impulse, fantasy, emotion, character, and so forth.

- 2) The various changes in the personality of a youngster do not necessarily occur at the same time, nor in a smooth developmental line. There is a wide range in speed and timing with a tremendous variability from individual to individual. Even sudden growth spurts and wide deviations from the growth curve of other children have been found to be entirely normal.

- 3) During the period of sudden and dramatic growth of any one function or part of the total system, the child as a whole does not stand the same load of responsibility and should

not be exposed to the same treatment as at other times. The personality of even the healthiest child may at such times need help and protection from certain forms of strain, and should not be subjected to increased demands just because of the outward appearance of greater maturity.

4) The emotional and social behavior of rapidly growing youngsters does not necessarily follow a line to "bigger and better" standards. More frequently than not the total adjustment of a child's personality is seriously impaired and its smoothness of function disturbed at that time. Yet the phenomenon as a whole is perfectly normal and must be considered as a symptom of healthy growth.

5) If the personality of a growing youngster is treated in a way which disregards its minimum requirements for healthy growth, serious damage is done to the mental health and adjustment of the later adult.

The conclusions from these commonplaces for the education of children have obviously not been stressed sufficiently. Many even well-trained workers in all branches of the educational field are often ignorant or at least oblivious of them. There are in personality development, as well as in the physical sphere, certain minimum demands for healthy adolescent growth which must be guaranteed to all children. It does not make any difference what our specific educational goal may be, whether we rave with enthusiasm over their promise of achievement, or whether we burn with moral indignation at the depravity of their actions. Any educational institution should feel bound to respect these minimum requirements for healthy personality growth. Even stern believers in punitive strictness ought to pause before these barriers—though unwillingly.

Adolescent Delinquents—or Delinquent Adolescents?

Adolescent delinquents or delinquent adolescents—it is between these varying phrases that public opinion seems to move. The older idea obviously was in the first pair

of terms: delinquents were supposed to be delinquents—period. That was all there was to it. So there was little reason for not putting them into the same institutions as adults—irrespective of the all too obvious consequences of such procedure.

Theoretically we have abandoned such naiveté. We have long come to realize that the adolescent delinquent is—at least also—an adolescent and that there ought to be some difference in the way we treat him, if we aspire to ultimate success. At the other end of the line we find the extreme view that adolescent delinquents are just adolescents—period. This is where the proponents of that theory stop. The rest is trust that these individuals wouldn't be delinquents if we only recognized them as adolescents, that a right approach to their adolescence would do away with all other problems. It seems to me that these statements are about equally false. The whole either-or issue is misconstrued. Delinquents who happen to be of the adolescent age are naturally both adolescent and delinquent, provided of course our diagnosis was right to begin with.

To keep this old confusion out of the discussion of this problem, we should like to suggest a clarified use of the terms. *As far as the causation and prevention of delinquency go*, we think we can easily distinguish four different types of interrelationship between adolescence and delinquency:

Type A The youngster who has already developed clearly delinquent traits before he enters his adolescence. In his case adolescence may change the surface picture of his delinquency, but it is a process without direct causal influence on the original delinquency problem.

Type B The youngster who has not developed any delinquent traits worth mentioning before his adolescence. The most we could say about him is that he shows the one or other negligible amount of potential inclination in that direction

which any normal child may be credited with. His oncoming adolescence, being a deep-rooted reshifting process, vitalizes otherwise negligible traits. Under the impact of adolescent growth conflict he becomes delinquent. In this case, while we would always hesitate to call any one factor the cause, we have to admit that there is a co-causal role at work in the youngster's adolescence.

Type C The youngster who is originally as healthy and undelinquent as type B, whose adolescence in itself, though dramatic, starts off in a normal way and does not seem to lead into any personality deformations by itself. However, the dramatic actions of our normal adolescent are so met by his surroundings, the setting in which he lives, the chance experiences to which he is exposed, as to allow him little scope for normal adolescent conflict solution, and he becomes delinquent. This youngster also becomes delinquent *in* his adolescence, but *not through* his adolescence. He becomes delinquent through the wrong setting or the foolish handling under the influence of which his adolescence occurs.

Type D The youngster who is basically nondelinquent as far as his character and personality setup go, before and during his adolescence. However, since adolescence is a period of change and often dramatic reshifting processes, he unavoidably runs into conflict. In some social strata the same piece of problem behavior which in others is nothing but a youthful trick, rates the stigma of delinquent infraction, and for some reason or other this youngster runs into acts which happen to be termed "delinquent behavior." He then will be classified as delinquent upon legal considerations, yet psychologically he is nothing but a somewhat dramatically growing adolescent of the normal type.

Type E Some youngsters go through periods of definitely neurotic strain during their adolescence. They are as different from the character build of the ordinary delinquent as can be. Yet in their effort to counterbalance their neurotic anxieties or urges, they run into forms of behavior which society happens to term delinquent. So they too end with the classification "delinquent," while they really suffer from neurotic problems under the disguise of delinquent behavior. Quite a few youthful thieves, sex offenders and braggarts belong in this category.

It is obvious that in all these types except A, adolescence has something to do with the delinquency. Its par-

ticipation in the causation of the delinquent character distortion or behavior becomes stronger when the minimum demands for healthy adolescent growth are not met. With right handling of the adolescent side of the picture, the chances that adolescence itself leads to delinquent development or behavior are reduced to a minimum. The conclusions from this for prevention of delinquency are so obvious that they need hardly be drawn explicitly here.

As to cure of existing delinquency, these various types suggest of course very different treatment. The fact that we usually put them into the same institution obviously reveals a hair raising naiveté. However at this moment we should prefer to draw attention to another frequent question: just how does adolescence affect our chances of curing delinquents—does it increase or decrease them? We find most people following the extreme end points of a long line of possible opinions on that. They are either sure our therapeutic chances must be lessened, because it is already too late, or they are sure that they are increased because those youths have become more sensible because more mature.

These views seem to me equally wrong. The truth lies, as in many such cases, somewhere else. It depends on the specific relationship between adolescence and the existing delinquency, and especially between the special type of delinquency and the special type of adolescent life experiences a boy is exposed to.

Adolescence decreases our therapeutic chances in the following cases:

- 1) When the original causative experiences lie way back in early childhood, especially in areas which the adolescent protects violently against outside interference.
- 2) When the line of adolescent conflict is of a type which is apt to increase the dramatic force of the delinquent behavior (typical adolescent pleasure greediness as superimposed upon an already existing pleasure-reckless constitution).

3) When the environmental reaction to adolescence is highly rejective and punitive so that the boy is in even more trouble, and therefore in even higher inner defense against the educational adult than he used to be anyway.

4) When adolescent changes flood the field of action so obviously that the original delinquent tendency seems to disappear for a time, so that nobody thinks it important enough to do anything about it, and the educator forgets about the basic trouble on account of the noise of adolescent change.

Adolescence however has also been found to increase our chances at therapy. If this fact has not been recognized as much as the former one, it is mainly because we do not seem eager enough to use this opportunity.

Adolescence increases our chances to change the individual in the following cases:

1) When the delinquent trouble would find its normal solution during adolescence anyway. For example, children who are sex delinquent because of their precociousness, while their sex behavior stops being repellent as soon as they reach a certain degree of officially recognized maturity.

2) When the line of adolescent change is of a type which is apt to automatically decrease the dramatic force of the previous delinquent behavior. For example, youngsters who become rebellious hyperaggressives because they have to fight the overdomination of an authoritarian parent who loses interest in children during their puberty.

3) When the environmental reaction to adolescence is an understanding one. For example, a child advances to a school which is aware of the importance of guidance help for growing children, whereas his previous environment was of a clearly achievement-ambitious nature.

4) When the adolescent changes make the delinquent behavior so dramatic that the adults who have up to this point neglected the trouble entirely, suddenly feel it is about time to do something about it. For example, the stealing which becomes embarrassing to the parent who considered it cute as long as it was confined to mama's pocketbook.

5) The most frequent, and unfortunately as yet least utilized chances which adolescence gives us are these: The new

experience of love or sudden inner security, sometimes confronts the growing child with such vehemence that he recognizes a real problem within him, and through this recognition mellows his defiant tough-guy rejection of every and all adult interference. Often enough adolescents will discover that we can help them in their new problems, although they anxiously shielded their old delinquent trouble against all interference. Through this detour we can often gain an inroad where previously all ways seemed blocked.

It is true that many adolescents become more defiant and seclusive in their growth. Others however go the opposite way—they open up, at least to carefully selected people and under carefully observed conditions. Research should be made in the study of conditions under which even delinquent adolescents allow access to a helper. The author had a chance to observe quite a few cases of this sort under the influence of carefully constructed camp situations.

The Minimum Requirements for Healthy Adolescent Growth

Just which are those conditions which must be safeguarded for the purpose of healthy growth? This question can be answered, not in one sweeping sentence, but by a careful study of each case. The criteria for healthy growth can be outlined without much trouble. Unfortunately this short presentation cannot be extended into an essay on the nature of the mental hygiene of adolescence, but can only pick up one or two items out of the whole. Therefore the reader may bear in mind that this is not an answer to questions, but an invitation to ask new ones more intelligently. The points chosen for discussion here are neither the most important nor the only important ones. All a short essay like this can even aspire to do, is to stimulate the reader to follow his own path.

Growth Interpretation of Adolescent Behavior

The best adjusted youth has to grow away from the very world of parents and standards which he has previously considered it his foremost task to grow into. Emancipation from the world of the child naturally does not always come smoothly. More frequently than not this process involves conflict even with the most beloved idols of earlier years, dramatic behavior in revolt and rebellion, rejection of previous leadership. The natural consequences of this can be easily conjectured: often enough the adolescent is thrown around between tantrum-like dramatization of rejective behavior, and the depression of guilt feelings and doubt of his own worth. However this whole process while disturbing to the educator and even the onlooker in its forms, establishes a highly important phase of growth in its real meaning. The trouble is, much of the adolescent behavior which really serves a perfectly legitimate developmental purpose, looks on the surface very much like its really contemptible counterpart, genuine depravity.

For a healthy development it is essential that adolescents are not taken up on the whole front of their conflicted actions, but only on those which are more than dramatizations of the confusion of growth. If the adult overreacts to *all forms* of adolescent behavior as though they were the signal for character decay, he only pushes the youngster in question into deeper insecurity and thus introduces the disturbance which he is out to fight. In order to use one instead of many examples, let us investigate the psychology of one type of truancy and wandering which is frequent enough among the many types our courts have to deal with. Some youngsters, in their struggle for orientation to their own new emotions and to the surprising discoveries of a changing world

around them, go through stretches of pretty rotten loneliness and bewilderment. Some of them have the power to talk it out, to write essays about the meaning of life and death, or to write poetry expressing their sentiments. One group reacts in a more puzzling way: they translate their inner emotional disorientation into a physical process; they begin to wander off. Some of this wandering begins as a mere gesture of helplessness and confusion. Other wanderers are more consistent about it; they make a rule out of an original emergency; they express their constant helplessness by only thinly rationalized escapades, thus hiding the real meaning of their action even from their own consciousness. Basically such wandering in itself is not the mode of expression of a delinquent character at all. It is at first nothing but a symbolic dramatization of an inner impulse—like a facial tic.

The fact that vagrancy in a juvenile increases the chances of delinquent affiliations has been often recognized. That delinquency which develops on the basis of this symptom usually covers the nature of the original process beyond recognition. In reality it is often a secondary effect which would have been avoided if we had discovered the real meaning of the process when it happened first—if we had interpreted it as a signal of growth-confusion, and had helped the youngster with the immediate source of his trouble. Instead, we tend to put him with others already delinquent who happen to show the same outward behavior. If left to punitive routine regulations, these delicately motivated phenomena frequently grow into inveterate habits, even long before open delinquency becomes associated with them. No wonder we don't get anywhere fighting them then.

In terms of prevention this point involves a challenge. Let schools as well as the people whose job it is to label first offenders use all the insight which research has de-

veloped, and base their diagnostic terminology on interpretations of adolescent behavior instead of sheer behavioral descriptions as such. Not what the youngster does, but the motivation pattern from which his action flows, can tell us whether he is a delinquent or not. Instead, the impatience with delinquent behavior usually increases at the time when youngsters become adolescent, the tendency to stab at the overt act in the blind confusion of the punitive instinct is about the biggest stumbling block in our preventive efforts. Our institutions must gradually separate and give different treatment to those brought in for the same offense. Careful motivational analysis is a prerequisite for this. The adolescent, through his very nature, has a special skill to blur the motivational picture. Routine and disciplinary regulation stifle attempts at careful differentiation of these patterns. Whereas the delinquent youngster would need more of this interpretive care, he gets less. Changes in this direction can be easily made if supervisors are aware of the issue.

Rich Opportunity for Externalization

In certain stretches of his development even the most normal adolescent is full of changes, emotional tensions, conflicts and reshifting processes. Fortunately he possesses an automatic skill to handle this; he transforms some of his tensions into action. This action may consist of fantasies, stories, words, or it may be real action associated with bodily movement. The most effective safeguard against the sometimes unavoidable overflow of emotional content is that of manipulation of outside reality. This is one of the reasons why adolescent youngsters will so often seem fidgety, why they are so eager to handle something or other with their hands, a habit the

teacher fights a hopeless war against. This type of play is usually far from being a waste of time; it is the adolescent's form of discharging superfluous energy to the outside, a protection against undue introversion.

If we cover all these forms of translation of inner energy into outward channels under the term "externalization," then we do not hesitate to state that the adolescent *needs more of it than the adult*, because an overflow of emotional energy is often generated in the process of growth changes. The more stuff for disturbance he has in him, the richer his chances to find good and usable channels for externalization must be. For some of them this channel is blocked; they need the chance for motion, or for occupation with some technical gadget.

For the prevention of adolescent delinquency the battle cry for age-adequate occupation and for teaching which is free of boredom, for a recreational life which really fills the adolescent's needs, has long been raised. Our institutions of cure still stick to an ostrich policy with admirable tenacity. Even relatively educational institutions still make use of solitary confinement, even removing anything which might give the youngster some "hold." To crown the irony of the situation, they are careful to put him into those rooms exactly when he is under the strain of a maximum of his emotions, conflicts, and tensions. There he sits on a bare floor, between bare walls, with nothing to touch but his own body. The most normal adolescent exposed to such situations would crack up in no time, overflowing to the brim with pent up emotional energy, fantasy, and guilt feeling, like a stopped up sink. In no other educational institution have I found the exposure of youngsters to idle sitting or standing around for punitive purposes so frequent as in those for delinquent children, nowhere have I seen the facilities

for manipulative stimulation in the way of workshop equipment and other means of occupational expression so poorly developed as in those created for the children who need such opportunities most.

Inoculation Through Group Emotional Securities

The normal adolescent cannot help feeling insecure in his relationships to other people. Most individual-to-individual rapports which he has established long before are exposed to changes under the impact of his own changing nature. Most of those which he creates at this point are too exploratory or experimental in nature to offer the satisfaction of real security. There is only one place where he is able to find secure feelings of belonging and "knowing where you are" in group emotional situations. These are naturally of two types. The gang offers the feeling of security from below. Insecure of his role in the eyes of the adult, he feels happy in the knowledge of acceptance by his age mates. Thus the need for increased companionship even of a slightly doubtful type is a real one for growing youngsters. The other type is the well-integrated group with a clear crystallization of emotional relations around an older or even adult leader. The security derived from such group affiliations is a necessary counterweight against the high amount of insecurity in their personal emotional relations.

The chance for such group emotional satisfactions is also crucial in the delinquency treatment. From all the problems which rise around this item, one will be selected for demonstration: the possibility of group emotional inoculation against incorrigibility. No other situation is such a challenge to a growing boy, even for one of the toughie type, to open up and allow the influence of other people on them, as the group. Under certain favorable

circumstances (in camps we can easily afford to create them purposefully) otherwise entirely inaccessible youngsters will prove impressed by and ready to contribute to group situational enterprises. I have found quite a few cases in which it was just that group psychological contact which enabled them to pull themselves out of even serious delinquent disturbances later. A child who has never had the chance for constructive group experiences to fit his developmental needs, will be liable to acquire the taste for wayward gang delinquency or tough-guy loyalty only. A youngster who has had real group satisfaction will recognize the keynote of that tune when he meets with similar conditions later.

Schools care little whether children are satisfied in this way. On the contrary, group formational processes always hold the danger of "getting out of the teacher's hand." Thus many youngsters are starved, fail to be caught by psychologically skilled group agencies, and thus fall an easy prey to the delinquent neighborhood gang. Mind you, often it is not the delinquency which they seek there, it is the marvelous comradeship and stick-together spirit which they look for. Many of them grow into the delinquent forms of these organizations as a secondary element rather than as an original purpose of their affiliation.

No doubt there is a wide and open field for improvement in *delinquency prevention* through inoculation with carefully planned group emotional satisfactions. From the angle of *cure* we are again stunned with the tremendous lack of imagination which many institutions for delinquent children show. The cold ghost of punitiveness pushes all group warmth back into the secrecy of gang affiliation *against* the educational adult and the educational institution. Thus the youngster who needs group emotional security (and which adolescent in trou-

ble does not?) is even pressed back into the hands of the tough gang, because his educator and his institution don't want any of that stuff. This is perhaps the most perverted item in our institutional life, the deliberate surrender of the most effective weapon of soul-winning to the bitterest enemy, the delinquent gang—and that within the very walls which pretend to fight it.

Personal Acceptance Through the Adult

The safest inoculation against the spread of delinquent bacteria within an adolescent child is the development of a strong identification with an educational adult. Unfortunately educational rapport is ordinarily harder to maintain in adolescence than before. Youngsters become very critical of adults, withdraw leadership even from those they used to accept, and are highly suspicious before they stretch out their tentacles again. Delinquent boys have, by the very nature of their disease, developed an especially effective defense against adult influence of the educational type, or they wouldn't have become delinquent to begin with. Many of them have forgotten what it is like to love anybody deeply. Most of those who may indulge in a sentimental liking for an adult will take careful precautions against letting this adult influence them. They will accept him, show loyalty and friendship, but they will turn back to their delinquent satisfaction in spite of all promises made to him. The reason for this has often been stated in modern psychiatry: these adolescents are still able to love, but not to identify.

Now obviously, on the possibility of opening up channels of identification with educational personnel rests the whole problem of real influence on adolescent delinquents. Again one illustration must suffice. A really

personal acceptance is based on a condition of mutualness. It should not be confused with an attempt to be liked without criticism. On the contrary—who else but the friend an adolescent identifies with, is given the right to really criticize him? Adolescents, and delinquent ones especially, are used to being judged by their outward acts. More often than not these acts are very confusing to the onlooker, as the actual motive is concealed. Thus the adolescent often seems crude where he admires, seems indifferent where he hates, seems friendly where he despises.

Personal acceptance by an adult means to him that this adult takes the trouble to interpret before he reacts, that he accepts the boy (though not necessarily what he does) *under all circumstances*. It is the educator who knows how to convey this to adolescents who gets furthest in handling them. The distrust on the part of delinquent adolescents is so strong that it is extremely difficult to express the right type of acceptance to them. This is easier if the adult does not stand alone, as in an interview situation, but works in the medium of some atmosphere. In an institution of friendly acceptance of everybody by everybody else, for instance, the educational efficiency of the worker can be multiplied.

The climate of personal acceptance is, then, one of the main items in guiding adolescents through the turmoil of their growth. From the prevention angle, care must be taken to safeguard this climate instead of sacrificing it to achievement ambitions in school and home. Disciplinary bickering about the broken rule is its antithesis. Severe criticism within a basically friendly discussion is its best vehicle of influence.

The attempt to cure delinquent adolescents is doomed to failure without this acceptance in full degree. Under the influence of a favorable inter-emotional atmosphere,

even the toughest toughie shows human traits—blushing in embarrassment when he discovers this as other people blush at their vices. Our institutions do not seem to have caught on to that. A cordial atmosphere of acceptance is about the last thing their punitive imagination dreams about. The chill of emotional emptiness along with the rattle of senseless machinery, with the prevention of wrongdoing as its main objective and the tacit admission of wrong feeling (as though this was unimportant) — these two aspects of institutional life often impress the visitor as soon as he enters. The idea that adolescents—any adolescents, even your toughies—could really grow in such an atmosphere is about as funny as the idea of building a fireplace and carefully shutting all the air from coming in.

The real improvement of prevention as well as cure depends on the degree to which we make our investigations concrete and specific. As Glueck pointed out so excellently in his presentation, we are groping in the dark as long as we are mainly concerned with generalities like *causation of delinquency through adolescence*. We had better get going and consider much more closely than we have done before just how the adolescent growth of Johnny happened to be a co-conditioning factor to his particular type of delinquency and why, or just what we really did that turned out so well the other day, and what it was that made the clockwork of our efforts tick so nicely. There is enough to be learned in everyday experience—we had better get going.



Adolescents in Conflict with Authority¹

HYMAN S. LIPPMAN, M.D.

Amherst H. Wilder Child Guidance Clinic, St. Paul

THE results of years of education in the field of social work are beginning to tell in the field of delinquency. There is an increasing awareness of the need to understand and treat the delinquent, which has displaced to some extent at least the need to punish. The struggle is not over by any means, as long as there remain a majority who cannot accept the humanitarian approach to this enormous problem.

The adolescent period is characterized by efforts at emancipation. Instinctual urges strongly assert themselves; aggression that has been fairly successfully held down during the latency period comes back with renewed force in an attempt to establish the individual apart from his family upon whom he has been dependent. The degree to which the adolescent will react with aggression will depend on constitutional factors and on whether or not his aggression has been blocked when it tried to find expression during his developmental period. The way in which his parents or any adults have dealt with his aggression will also determine whether he will be able to indulge in competitive sports, have the courage to assert himself, or whether he will be timid or cowardly. There are large numbers of adolescents with excellent physiques and native aggression who have been so suppressed and intimidated in early life that they are denied the normal, healthy outlets for their pent up aggression.

¹ Paper given at the National Conference of Social Work 1941

Delinquency is frequently the result when this aggression is mixed with hostility. The adolescent with a new greater freedom from supervision finds many opportunities formerly denied him for expressing his hostile aggression and creating problems. The more privileged families make good for any destruction of property or injuries inflicted by their aggressive adolescent, and the aggression is accepted as an evidence of exuberant youth. Provisions are made for sending him to a boarding school if this is indicated, where a trained faculty patiently helps him to accept authority. The underprivileged adolescent does not have these advantages and soon finds himself in a police court or on probation. The treatment of the privileged boy is the correct one and results in a minimum of resentment and need to retaliate. Eventually case work will provide similar solutions for the aggression of the underprivileged adolescent. By doing so it will recognize a major social need at present not being met in the children of the families we see in our social agencies. Discussion of the factors in the home life, the general environment, or the culture that breeds delinquency is not in the scope of this paper. Clinical experience has demonstrated that as a result of these unfortunate factors the children of the underprivileged suffer in such a way that their aggression is never allowed to lie dormant. Rejected and neglected, brought up by harsh and frequently delinquent parents, feelings of resentment and hate are stirred up and the youth becomes imbued with a rejection of society and its standards. It is this need to get even that has to be bridled if we are to lessen delinquency.

All the skills known to case work are needed to deal adequately with this double problem of adolescence and aggression. The most effective way in which a case worker can deal with a delinquent is through a feeling

relationship. One must wholly accept the principle that the delinquent is behaving in the correct manner for him, and in the only way possible because of his makeup and the family and society into which he was born. The delinquent is quick to appreciate whether we are all for him or not. He has had to develop an uncanny ability to recognize who are his friends and who are not, for unless he knew whom to trust he could not have remained successfully delinquent.

The typical delinquent who has little conflict about his behavior is concerned almost entirely with obtaining pleasure and avoiding pain. He is unable to tolerate the tension that occurs when he cannot get what he wants, and in this respect he is like animals, savages and young children. The socialized child has accepted society's standards out of gratitude to those who love him or through a fear that their love will be taken from him. The delinquent, in so many instances unwanted and unloved, does not feel grateful and has nothing to lose through continuing to give way to his pleasurable wishes. On the contrary, the insecurity that comes from rejection and his hate for those who dominate him, encourage dissocial behavior. The case worker must be the kind parent the delinquent has been denied. The extent to which the worker can be successful will depend on his ability to establish a relationship that will make it possible for the delinquent to tolerate denial and prohibition.

It is of primary importance, then, that the worker be fond of the delinquent. Aichhorn developed the ingenious method of interviewing the worker and the delinquent after they had been together in the institution for a few weeks to determine the nature of the relationship established. If the worker was able to see good qualities in the boy in spite of continued annoyances; if he had noticed that the boy was kind and fair in spite of lying

and stealing; if he tried to explain the boy's behavior on the basis of early unfortunate experiences, Aichhorn concluded that a positive relationship had been established with the delinquent. If on the other hand, the worker emphasized the negative characteristics of the delinquent, found that he could not be trusted, that he was sneaky, and lied, and no attempt was made to explain this negative behavior, the relationship to the delinquent was said to be a negative one. The delinquent's evaluation of the worker was then obtained, and attempts were made to assign to the worker a delinquent whom he liked and who liked him. The feelings of the worker toward the boy however were considered more significant since it might be expected that the delinquent would, in the beginning at least, reject all adults because of his earlier experiences with them. But unless the worker has a positive relationship to the delinquent, it will be impossible to break down the resistances which are a part of every attempt at treatment.

Delinquents Grouped

In order to do successful case work a diagnosis of the nature of the misconduct must be made. Without such a diagnosis intelligent treatment is impossible and the specific case work attempted may be harmful. Delinquents may be subdivided into the following groups:

- 1) Those in whom the problem is essentially that of refusal to accept discipline because of poor standards, indulgence and neglect. The pleasure that they obtain through refusing to accept prohibitions warrants the risk of punishment. Their concern is essentially that of avoiding apprehension. The greater the extent to which this mechanism plays a part in the makeup of the delinquent, the greater is the need for institutional treatment. For unless this disciplinary factor can be controlled, case work

is unavailing. It is important to recognize this individual early and give him the advantage of institutional treatment when it can do the most good. If recognized early enough, institutional treatment has the value of making it possible for the delinquent to accept foster home placement or any other type of therapy later on when he has learned to accept discipline.

There is a large group of less completely undisciplined delinquents who have the capacity to accept social standards if the conditions under which they live are changed. Here case work demands such a step as removal of the child from home and placement in a setting where he can feel that he is being treated fairly. If he has a need for affection he may do best in a foster home. Most of the older boys taken away from home for the first time during adolescence do not care for a foster home setting which expects affection from them in return for affection given. They prefer a more impersonal setting which may be provided by a small institution, and this may be in the form of a large foster home with several children or a larger place run as a small institution.

Attempts should be made to take care of the ego needs of this group of delinquents. Sometimes the recognition given them through fair play is all that is necessary; in some, special help in their school work to prevent repeated failures will give them a feeling of accomplishment. The purchase of new clothes, a bicycle, play equipment formerly denied them, may go a long way in lessening the need for aggressive behavior. Close contacts with a case worker whom the delinquent can accept as a real friend may check the delinquent behavior, especially if this case worker through knowing the delinquent can satisfy some of his emotional needs in relation to his family and strivings. In most instances it will be necessary to attempt some form of case work treatment

before institutionalizing any delinquent adolescent, since it is impossible to predict except in extreme cases how the individual may respond to removal from the conditions that promoted delinquency.

Anyone who is interested in the treatment of delinquents in institutions should read a recent book published by Healy and Alper, entitled *Criminal Youth and the Borstal System*,¹ which describes the institutional care of the delinquent adolescent in England. It reflects an appreciation of all of the physical, social, educational and emotional needs with a view toward rehabilitation. As case workers you will be interested in the investigation and treatment of the family of the delinquent during the time that he is in the institution, with the idea of determining whether or not he should be returned home. Recent work done at the State School for Delinquent Girls in Minnesota has demonstrated the importance of dealing with the family during the time that the delinquent is away, and in many instances intensive treatment is indicated. At the present time in most of our social agency work this important phase is neglected.

2) The so-called normal individual has a good deal of the aggression of the group just described, but it is kept under control by his conscience or superego which makes him feel uncomfortable or unhappy when he has caused harm to others through his aggressive wishes. He is mentioned in this discussion because much of the conflict of the adolescent against authority is a part of normal behavior.

3) The neurotic delinquent has a peculiar combination of aggression on the one hand and a strong feeling of guilt on the other. For some reason the aggression has broken through in spite of a strong conscience, or

¹ William Healy and Benedict S. Alper *Criminal Youth and the Borstal System* The Commonwealth Fund, New York, 1941

maybe even because of it. This subject is described in detail by Alexander and Staub in their book *The Criminal, the Judge, and the Public*.¹ Psychoanalytic research has contributed extensively to the subject of delinquency through pointing out the role played by unconscious factors. Without a knowledge of these factors it is impossible to understand the total individual, since so much of his behavior is motivated by the unconscious. This research has demonstrated that criminal impulses are present in the normal individual but they are kept in repression. They are present to a greater degree in the psychoneurotic individual, but here also they are kept in repression by a very strong superego and find expression in the form of neurotic symptoms. In the group under consideration, the neurotic delinquent, for some reason perhaps of a constitutional nature, the aggression is possible in spite of the neurotic makeup, and the delinquency is merely an expression of the neurotic conflict which may find expression in many ways. One individual will be a runaway and his behavior will represent an attempt to escape from the situation that produces the emotional conflict. Another may be a drug addict or an alcoholic. Some may attempt to carry through in their aggression an act which closely approximates their criminal unconscious impulses. They may set fires or may steal compulsively like the kleptomaniac. Since this delinquent behavior is only the substitute for more criminal unconscious wishes, it is understandable that blocking the delinquency itself will not solve the underlying problem. Usually nothing short of psychoanalytic treatment will solve this behavior in its extreme forms.

The problems of sexual pathology should be included in the group of neurotic delinquents. Recent acts of leg-

¹ Franz Alexander and Hugo Staub *The Criminal, the Judge, and the Public* Macmillan, New York, 1931

isolation have attempted to protect society from the sexual offender, and the discussion has been surcharged with emotion and confusion. One of the characteristics of adolescents is a marked strengthening of the sexual drive. This can be fairly well controlled in the well-adjusted individual. The delinquent who has little feeling of guilt allows himself direct expression of the sexual impulses. The neurotic individual represses these impulses, often with unfortunate results. The neurotic delinquent may resort to exhibitionism, peeping, sexual play with younger children or other forms of perversion. In the most extremely neurotic or psychotic adolescent the sexual outlet may be expressed through extreme sadism, rape and murder. It is because of these extreme offenses that there has been so much concern about the lesser ones. A good deal of education will be necessary with the police, the juvenile courts and other law-enforcing agencies so that they will be able to recognize the serious offender. Considerable case work may be required with the less serious apprehended sexual offender who, because of a feeling of guilt or social disapproval, has been made to feel inferior and unworthy and even dangerous.

More psychiatric research is also needed in this important field of behavior, especially that of the delinquent adolescent girl. She is mentioned at this point of the discussion because, although so much of what applies to the adolescent boy applies to her also, the delinquency problems she presents are chiefly of a sexual nature.

The case worker is interested in neurotic delinquency because it must be recognized if it is to be treated intelligently, and a program must be instituted to supply much needed therapy for this group. Added to this is the fact that there is a great deal of emotional conflict and anxiety which plays a part in the delinquency of individuals who are not classified as serious neurotic delin-

quents. The case worker must learn to know the delinquent so well that he will not be able to maintain his superficial defenses and will reveal in time his fundamental motivations and conflicts. A light touch is useless in case work treatment with these conflicted delinquent adolescents who have developed a thick shell of resistance against all adult intervention.

4) The narcissistic delinquent—this applies to the adolescent who finds it difficult or impossible to give affection or consideration to others. In the more severe cases he finds it impossible also to accept affection from others. Perhaps it can be best considered as a defense mechanism to ward off a repetition of early unfortunate experiences. Early rejection by the parents or disillusionment in them has made it necessary to remove an early affectionate tie, and the affection thus displaced is applied to the delinquent's own ego. Narcissism plays a part in the other groups of delinquents discussed, but there is a certain number where it is so outstanding that one is warranted in separating them from the others. It is an important problem in case work because of the difficulty in effecting a relationship without which treatment cannot be accomplished. One meets them in institutions frequently, and strangely enough often as affable, co-operative and industrious workers who ostensibly have benefited from their stay. On release however they quickly get back into their delinquent behavior because they have not been touched during the institutional treatment. Case work demands infinite patience with this group; a capacity to accept them in spite of frequent disappointments, betrayal of confidence or failure to respond to kindness. Frequently their continued delinquency represents a testing out of the worker to make sure that a beginning fondness is safe.

Aichhorn has described his treatment of some of these

narcissistic delinquents and has found that the only way he can get them to develop a relationship to him is on an ego basis. They will identify with him only if he can outsmart them and convince them that he is useful to them. Once such a relationship is established, he can wait for an affectionate tie that may follow.

It can be safely said that in spite of our knowledge of the factors causing delinquency, there are few case workers who realize the responsibility assumed in the treatment of a narcissistic, rejected, disillusioned, delinquent adolescent. They are given the opportunity of developing in the delinquent, perhaps for the first time in his life, a positive emotional tie. Or they may be attempting to develop such a tie in an individual who once enjoyed it but who had to give it up with attendant disillusionment and suffering. The worker is too apt to think of himself as just another person in the delinquent's life trying to help him, rather than as an all important key person. To reject such a delinquent after an initial acceptance obtained with difficulty may take from the delinquent his last chance to become socialized.

5) Character difficulties—this group which is also ill-defined contains those adolescents who do not present the delinquency of the true delinquent or the neurotic delinquent. They have a good deal of aggression which is blocked. They express their dissatisfactions through quarrelsomeness, nagging, scolding and complaining. They are bitter because so much of what they like to do has to be left undone as a result of their inhibited aggression, and they are therefore markedly in conflict with authority. Many of them have been raised in homes where there has been unreasonable severity and domination, especially by the father. Their reaction against authority represents an underlying protest against their severe father. The results from case work treatment

with this group are often not encouraging, because their characteristics are so deeply ingrained that nothing short of intensive psychotherapy will produce a change.

The same may be said about the large number of unstable adolescents whose behavior is unpredictable because of its vacillating character. They have alternating phases of temper outbursts with uncontrollable rages which may be followed by feelings of remorse and chagrin. They may be aggressive and delinquent and react to this with feelings of guilt. They may be sincere in their intentions to reform, and may go along well for a period of time but this does not last long. Because of this rapidly changing behavior it is impossible to plan a treatment program. It may be well in this connection to refer to the even more markedly unstable so-called psychopathic personality. For a while this diagnosis was excluded from our terminology because too many conditions were included in the category of psychopathic personality. Now we are limiting the diagnosis to the group of extremely unstable individuals who are impulsive, lack control and fail to learn through experience.

6) The most extreme types of delinquency and aggression are seen in those individuals who have organic pathology of the central nervous system, or who are psychotic or feeble-minded—the so-called defective delinquents. The outstanding characteristic of the delinquency in such individuals is the difficulty in finding a satisfactory reason for the behavior. This applies even when an intensive psychiatric study is made. The extreme pathology produces a disintegration to such an extent that impulsive, explosive reactions can occur with little foundation. Such pathology must be kept in mind whenever an intensive study of the individual or of the environment fails to reveal adequate explanations.

Common Factors

The above is merely a working classification based on clinical observations. Other groupings could be made that would cover the subject just as well. One cannot draw fine lines of demarcation between the various subdivisions because they blend into each other. Neurotic or emotional elements may be present in all; a certain amount of lack of discipline may be present in each grouping; any one of the delinquents may be unstable or narcissistic.

The role played by overindulgence must be discussed in relation to delinquency. A young child who early learns that he can do as he pleases tends to retain his dissocial patterns of behavior. If later on he finds that his dissocial acts are always made good, there is no need for him to accept unpleasant reality. Sooner or later he and the parents find out that society will not continue with this overprotection and the training which should have been done by the parents is taken over by the law. Undoubtedly, many delinquents have developed on just this basis. In the majority, however, who by adolescence are out of hand because of overprotection, other factors have played important roles. In most instances a study of the family reveals that these children have been deeply rejected and have been overprotected by parents who were unable to deprive them through a feeling of guilt. The delinquency in such instances therefore is not only a result of the indulgence but represents a protest against the deep awareness of rejection. More often than not, the homes of these adolescents are characterized by friction, incompatibility and neglect.

It will be seen from the above that diagnosis is very important. Sometimes a diagnosis can be made through observations in a child guidance clinic or any other psy-

chiatric unit for children. In the more difficult cases closer observation is necessary, and this can be done in a hospital for that purpose or in a small institution. Every large city should be equipped with an institution staffed by trained personnel, where difficult, aggressive adolescents may be housed as long as is necessary to establish a diagnosis.

In discussing the above grouping little was said of case work with the parents or others responsible for the care of these delinquents. In cases of frank delinquent environment where neglect can be established, removal from the home is necessary. This should include efforts to help the parents in the treatment or removal of other children in this home who are very likely to become delinquent.

Almost invariably one finds neurosis or delinquency in the parents of the neurotic delinquent. If the provisions for psychiatric treatment for the adolescent neurotic delinquent are inadequate, they are infinitely more so for the adult neurotic. Communities are slow to realize the cost that they pay in the neurosis of their children through neglecting the treatment of neurotic parents in dispensaries or adult clinics which should be set up for this purpose. In the meantime family agencies are attempting to deal with this problem. They have made a good beginning but will have to add considerably to their psychiatric help to do this job effectively. Their additional help however will serve as a valuable adjunct to, but will not be able to replace adult psychiatric clinics.

The case worker who has developed skills for dealing with emotionally conflicted individuals will have to assume an important role in dealing with the problem of neurosis in delinquency. Direct treatment work with neurotic clients is essential in most instances. In many this will consist of intensive interviewing, the worker getting close consultation help from a psychiatrist. In

some the main goal of treatment will be to develop a strong tie of a dependent nature in the client who will in this way gain support and security. It is not difficult to choose between such dependency under the capable guidance of a case worker and the chaotic adjustment of the neurotic delinquent. In others the case worker will assume a more passive role and be the outlet for the neurotic's hostile attacks—an unpleasant task but necessary in order to deflect the hostility from unfortunate victims in the neurotic's family who cannot react objectively, to the worker who can.

Prevention of Delinquency

The problem of preventing delinquency must engage the case worker's attention. It is difficult to be optimistic about doing effective work in prevention when so many vital recommendations repeatedly advised for many years have not been carried out. Certain improvements have been effected and these are encouraging. Our case work with individual delinquents is becoming more intelligent every year. Our schools are becoming increasingly aware of their responsibility in having the school fit the needs of the child. Our juvenile police forces are cooperating; juvenile courts have accepted the need for individual treatment and are beginning to resemble case working social agencies. Opinions differ as to the wisdom of such a change, although all are pleased that the court is more mindful of social and emotional factors. The institutions for delinquents are fighting for trained personnel to deal with emotional problems; sterilization laws have been passed and this will lessen the major problem of neglect and delinquency which results from feeble-mindedness. Sociological studies and treatment have lessened the menace of gang activities among juve-

niles, and have shown us how to redirect the energy of neglected adolescents into socially acceptable channels. Major social, economic and cultural problems, so important in the prevention and treatment of delinquency, are changing very slowly. There are many who feel that until social and cultural problems can be solved, individual case work represents a waste of effort. However, we may be very fortunate that these changes are slow, since we have lived to witness the failure of too rapid changes in other countries.

We shall always have to deal with aggression, and the disturbances which result from it will probably be closely related to what society has earned through abuses and neglect. The aggression may express itself through delinquency, rioting, or wars, or in many other ways. Freud has shown that the individual cannot tolerate excessive aggression because of the tendency to turn it in against himself when other outlets cannot be found. It remains for us to locate ways and means that will lessen the need of individuals to express aggression. The young infant who is loved and accepted does not tend to develop forms of hostile aggression. Emotional acceptance at any age has this same effect. If the physical and material needs of all members of society could be provided for, much of the unrest and hostile aggression that now exist could be lessened, but it is difficult to accomplish this. It is even more difficult to lessen the hostility that comes from neurotic aggressive drives. Mental hygiene and psychiatry for many years have been attempting through the knowledge gained from individual case work, to develop a program of prevention of neurotic aggression and suffering. Valuable contributions that threw light on this important problem, carried on in Europe, have had to be discontinued. Psychiatrists and psychoanalysts in England particularly, had been doing intensive re-

search in the field of aggression. Edward Glover¹ published in 1933 a small book entitled *War, Sadism and Pacifism*. In this comprehensive study of hostility he attempted to provide for a program of research in the prevention of neurotic hostile aggression, and is convinced, as are so many others, that the sources of greatest difficulty are in the parent-child relationship. This research has been carried on in America for many years largely through the impetus we have obtained from the European schools. We too are certain of the importance of the early parent-child attitudes so closely tied up with the culture that affects these attitudes.

Prevention of delinquency though very important does not take care of the problems that face us today with our delinquent adolescents. Case work with the individual will be necessary no matter what advances we make. In a personal interview with the director of one of the largest agencies dealing with social problems in Moscow (EPI) in the summer of 1935, I was told that although the number of undisciplined, neglected delinquent boys had lessened considerably, they still found it necessary to work intensively with those who did not lend themselves to a general program.

What is Demanded of the Worker?

The following two incidents will serve to summarize this discussion:

1) A Swiss graduate nurse was studying psychiatric problems in children at the Children's Hospital in Vienna. It was interesting to see her surrounded by the children in the psychiatric ward, who seemed to be spellbound by the stories she was telling them. I asked if she minded if I listened in on some of these stories but she did not

¹ Edward Glover *War, Sadism and Pacifism* - George Allen and Unwin, Ltd., London, 1933

consent. She explained that when an adult is in the picture, something happens to her and she can't tell stories in the same way. A few days later Professor Hamburger, in making the rounds, was attracted by the group and stood at the edge of the circle as a spectator. Before long it was apparent that something was happening to the group. The former rapt attention was no longer present. Some of the children began to play with each other or push, or tease. One or two got up and left the circle.

2) Aichhorn employed as a worker in his institution for delinquent adolescents a young man who showed promise of being an unusual person. He assigned him to a group of boys and was surprised to find that the boys in this group were not being controlled and that the worker had no hold on them. He called the worker in and asked him to explain his difficulties. The young man told Aichhorn that he had hoped for some time to work in this institution and learn Aichhorn's methods of dealing with adolescents. During the past few weeks he tried to talk with the boys, shake hands with them, pat them on the back and encourage them as Aichhorn did, but found that he was losing out. Aichhorn asked him how his present approach differed from his former treatment, and he explained that formerly he was more firm with the boys; if they did not comply to reasonable demands he occasionally cuffed them on the ear. It was apparent to Aichhorn that this worker was fond of boys, was understanding and sensitive to their needs, and so he told him to go ahead and cuff these boys whenever he felt that it was necessary. Within a very short time the aggression of the boys in this group was checked, and the relationship between them and the worker was an excellent one.

It is apparent from these incidents that the adult in

order to give of himself in a treatment relationship must be himself. This has been referred to earlier in this paper but warrants repetition because of its importance in a case work program. Every case worker is not suited for treatment work with an aggressive adolescent. Even among those who would like very much to do such work many are unsuited. The case worker who has lived with delinquent adolescents when he was that age, or who has worked with them in scouting or camps, will have some advantages. At the same time, if he has been too traumatized through his own adolescent experience and has not worked through his own emotional conflicts in relation to aggression and hostility, he will not be able to do constructive work with adolescents who are in conflict.

The case worker must keep in mind that the aggressive adolescent is rebellious, and that we are more anxious to treat him than he is to be treated by us. From the point of view of his psychology we are interfering with the only adjustment he has been able to make. He does not want to change it even though he may have been punished severely or have suffered from emotional conflict. The sexually delinquent adolescent girl may have found through her behavior a popularity which she has enjoyed for the first time in her life. There had been nothing in her early life to produce in her a feeling of guilt in connection with her sexual delinquency. Her new ego and libidinous pleasures will not be given up without considerable struggle. Because she as well as other aggressive delinquents are so resistive to change, it is understandable that many case workers conclude that the aggressive adolescent does not respond to therapy. Such *a priori* conclusions do not belong in the philosophy of the forward looking case worker who is challenged by difficult social problems. Clinical experience has taught us that the most difficult adolescents may respond to therapy

when least expected. Something has been found to break the resistance and this has made the need to rebel no longer necessary. There will be plenty of time to decide that other measures will be necessary after case work has been tried.

There is no place for punishment in the treatment of the adolescent in conflict with authority. To punish him means that we do not understand him, and justifies continued rebellion on his part.



The Youth Correction Authority Act

JOSEPH N. ULMAN

Judge, Supreme Bench, Baltimore

WHEN a witness testifies before me in court the first question I ask myself is, "How credible is this man?" This question, always important, is especially so when the witness has expressed an opinion. Is he really an expert? Is he a thoughtful and careful person, accustomed to weighing conflicting data, scrupulous to inform himself upon all the facts before he makes up his mind? Has he a standing in his community that he will not risk by the expression of a half-baked opinion?

Let me now introduce a piece of opinion evidence. Former Chief Justice Charles Evans Hughes speaking at the 1941 meeting of the American Law Institute said:

"In connection with these progressive movements, I should not fail to mention the important Youth Correction Authority Act which was adopted by your body last year, relating to the treatment of convicted youths of the older adolescent age. Dr. Lewis informs me that committees have been formed to adjust the act to local conditions and that bills have been introduced into the legislatures of several states. This is justly described as 'the most important constructive suggestion for dealing with the crime problem that has been made since the original probation and juvenile court legislation.'"

Do I go too far when I assert that Mr. Hughes meets fully my tests for a highly credible witness? I invite your attention to the act to which he refers, its history, its content, its present status.

First, a word about the American Law Institute,—

for I assume that many of you are not lawyers and therefore may be unfamiliar with this organization. The Institute was formed in 1923 as a research body devoted to the clarification and systematization of American law. Its membership, drawn from every state in the Union, is made up of lawyers and judges of the highest standing. Perhaps the simplest indication of their qualifications is to be found in the fact that the three presidents of the Institute have been Elihu Root, George W. Wickersham and former Senator George Wharton Pepper of Pennsylvania. To these names I should add that of Dr. William Draper Lewis, the director of the Institute throughout its life. I am sure that every member of the legal profession will agree that proposals sent out by the Institute are worthy of very earnest consideration.

During the first fourteen years of its existence the Institute devoted most of its attention to problems of the civil branches of the law. True, in 1930 it published its model Code of Criminal Procedure; but it was not until 1935 that attention was given to the broader aspects of the criminal law. Along with other thoughtful Americans the leaders in the work of the Institute had been for a long time profoundly disturbed by the apparent growth of crime and criminality in the United States. They had observed the passage of law after law creating new criminal offenses and providing more rigorous penalties for old offenses. They had seen the enlargement of old prisons and the building of many new prisons. On the other hand, they were encouraged by an increasing use of the probation method for treatment of young and early offenders and by marked improvement in the administration of parole.

But nowhere in the country had there appeared a planned and integrated penological system geared to deal rationally and constructively with modern crime in a

modern civilization. Nowhere was there manifested a constant plan of treatment operating consistently even within itself. Newer and milder penological devices were found in open competition with traditional methods of repression and punishment; public opinion oscillated between the extremes of the treat-em-rough, throw-away-the-key school of penology and the sob-sister sentimental school. As a consequence the United States enjoyed a bad eminence as the most lawless country in the world and the late President and Chief Justice William Howard Taft was led to say repeatedly that "the administration of the criminal law in America is a disgrace to civilization." The statistical fact that in the nine years ending in 1931 the population of the United States increased by twelve per cent and its prison population by eighty-four per cent proved that our hodgepodge system did not tend to decrease crime.

Organization of the Committee

Obviously here was a problem for lawyers. But it was more than that; it was a problem of social engineering to whose solution lawyers might be expected to contribute, but a problem that called for the combined wisdom and efforts of many others. To the everlasting credit of the American Law Institute, this body in 1935 sensed the complex nature of the problem and took steps to deal with it constructively. Probably for the first time in America a body of lawyers officially recognized the law as a social science. The Institute in that year called together a committee of twenty-five lawyers, judges, and "representatives of the allied social sciences" to lay plans for a comprehensive study of America's crime problem and for devising effective means to deal with it.

I was fortunate to be among those who served on this committee; and in view of what has happened since, it is

amusing to recall our initial difficulties. Quite literally we had to begin by learning to talk each other's language. Some of the distinguished corporation lawyers regarded all social workers as socialists; many of the social scientists seemed to think every lawyer was a pettifogging legalist. But gradually as the committee kept on with its work wiser counsels prevailed. Early in our deliberations we had a visit from the late Newton D. Baker, an influential member of the governing body of the Institute. He sat with us for the greater part of a day and that evening told Dr. Lewis he thought the project an impossible one on which the Institute should waste no further time. Dr. Lewis reported this discouraging comment next morning; the committee at once redoubled its efforts.

At length we made our report. This stated the problem in simple terms and outlined a procedure for dealing with it exhaustively. The report went to the Council of the Law Institute where it was unanimously adopted—largely, be it said, because of the enthusiastic support of Newton D. Baker! Facts succinctly stated buttressed opinions and plans that might have seemed revolutionary had they been presented with less painstaking care.

For the first time lawyers and other social scientists looked together at crime and criminals and tried to see what to do about them. They stated the obvious fact that convicts differ among themselves just as other men differ. They noted that only a negligibly small fraction of the men sent to prison die there, while the rest come back into free society for better or usually for worse. Recidivism was recognized as the price we pay for our planless penology. Basing its recommendations on these self-evident premises the committee urged a thorough study of all the pertinent facts to be followed by the development of a planned system of penology in which individualized treatment would be the keynote. Treat-

ment to fit the man—not punishment to fit the crime. Wider and more intensive use of probation, making every prison a reformatory, provision of specialized types of institutions wherein training might be combined with discipline, release on parole under adequate supervision,—these were some of the familiar devices emphasized in this report. What made it revolutionary was its emphasis upon the unity of the problem and the essential need to treat it as a single, integrated whole. Patchworks of conflicting philosophies had led to the Slough of Despond. Now try the scientific approach and a fresh start, said this committee in 1935.

The report was accepted,—and ordered filed. For the Institute was unwilling to act upon it unless provided with funds ample to insure a thorough job.

Youth in the Toils

Then in 1938 the project was dramatically revived. Early in that year there was published a comprehensive study of the actual workings of the machinery of justice as affecting young offenders in the city of New York. Leonard V. Harrison and Pryor McNeill Grant made this study under the auspices of the Delinquency Committee of the Boys' Bureau, Community Service Society of New York. Their findings were published under the title *Youth in the Toils*. This is a remarkable book in that it has the objectivity of a scientist's account of work in his laboratory plus a strong appeal to the emotions intrinsic in the material presented. Fortunately for the development of sound penological practice the book came to the notice of two highly imaginative and fiercely energetic persons, John D. Rockefeller 3rd and William Draper Lewis. They decided to do something about it.

As a direct consequence of this publication the American Law Institute revived in somewhat modified form

its project initiated three years earlier. The Institute set up a working committee to draft a statute, a model act that would carry into effect the reforms suggested in *Youth in the Toils*. Following its own precedent in regard to the composition of such a committee, the Institute selected not only lawyers and judges who had manifested an interest in the problem, but also, to work with them, able representatives of "the allied social sciences." This committee was a comparatively small working group only nine in number, and included the noted psychiatrist Dr. William Healy, the well-known penologists Sheldon Glueck, Austin MacCormick, and Edward R. Cass, the sociologist and statistician Thorsten Sellin, and Leonard V. Harrison, himself an authority in the field of social case work and a co-author of *Youth in the Toils*.

Once again I had the good fortune to serve in this work, so I am able to testify at first hand concerning the industry of the committee and its efforts to do a thorough piece of work. We met at intervals over a period of nearly two years, each meeting lasting from two to five days. Nothing was taken for granted. Every section of our completed draft was written, discussed, rewritten and discussed again many times before it was finally adopted. In the intervals between meetings the several members of the committee were in continual correspondence with one another regarding differences of opinion that had arisen during preceding discussions. At length our Draft No. 19 reached the point when we thought it desirable to obtain the views of a larger group of informed persons. This draft was thereupon printed and more than one hundred and fifty copies were sent to specially qualified persons in all parts of the United States. The written comments and suggestions of these persons were analyzed and abstracted by a subcommittee; and a special meeting of the entire committee considered them

during a two day session in New York. Every suggestion received was given serious and painstaking consideration, many were accepted and incorporated into our next draft.

This final draft was then submitted to the Council of the Law Institute. This is a body of thirty-four distinguished members of the legal profession, men thoroughly accustomed to the study of legal documents, qualified to pass upon a proposed statute from the standpoint of clarity and probable constitutionality. As we had hoped, the Council sent our draft back to us with their general indorsement; but as we had expected, this critical group made a number of quite important suggestions. Therefore our committee held another meeting at which the proposed statute was whipped into final form,—that is, final so far as a committee of the Law Institute can do anything with finality. For after all this preliminary work the act still had to pass muster with the 700 odd members of the Institute at their forthcoming annual meeting in Washington, D. C.

Again the draft was printed, this time as a final draft, and sent by mail to every member of the Institute. Thus, when it became the special order of the day for discussion on May 17, 1940, lawyers from every state who participated in the meeting had enjoyed an opportunity to study the final draft and to familiarize themselves with it in detail. The discussion was a lively one and led to still further changes in phraseology; but the act was approved as a whole, the final amendments were ratified by the Council, and the Institute ordered its publication as a model act in June 1940.

Features of the Act

So much for history. Now what are the essential features of this "revolutionary" proposal? In the first place, I think you will agree with me that there is nothing at

all revolutionary about it. On the contrary, practically every part of it represents established practice in one state or another today. In briefest possible outline this act provides that convicted offenders within the age group over the juvenile court age and under twenty-one shall be committed to a Correction Authority for correctional treatment in all cases except those in which the trial court imposes the death penalty or life imprisonment at one end of the scale, or imposes a fine or a short term of imprisonment for minor offenses at the other end. The act provides an extended period of control by the Authority which may in exceptional cases, and subject to judicial review, continue for the life of the offender.

The Authority is given wide discretion and the greatest measure of elasticity in dealing with the offender. It may release him under supervision before any period of incarceration whatever, it may limit his freedom slightly in a work camp or a supervised boarding home, or severely in a prison cell; and it may change its method of treatment from time to time and from less to more, and again to less severe forms as the exigencies of the individual case require. This plan differs from all existing practice in that it subjects the offender to continuous planned control by a single responsible administrative body instead of shifting him from one control to another. Finally, the Authority is given the right to terminate its control over the offender conditionally or unconditionally so soon as it appears that the protection of society and the welfare of the individual will be served by such termination.

In short, the act sets up an integrated system looking to individualization of treatment with the greatest possible degree of elasticity. Its objective is to rehabilitate as soon as possible those susceptible of rehabilitation, and to segregate for the protection of society the residue

who present a continuing menace to the public welfare. I have said it is not revolutionary and this I repeat. But it is new, new because it is a first attempt to outline a penological system tied together by a single philosophy from beginning to end. This is novelty indeed, novelty to such a degree that we who drafted it anticipated that it would be received with skepticism if not actual hostility.

Reception by the Public

On the whole we have been pleasantly surprised. The act in its final form has been given wide publicity and has been received with unexpected enthusiasm. This is not to say that it has escaped unfavorable criticism. A number of judges resent what they take to be its implied strictures upon their wisdom in imposing sentences. This is a quite natural reaction, to be expected from a particularly conservative group of persons. Yet reflection should convince them of their fundamental error. The most learned and conscientious judge is not likely to be a person especially trained in dealing with the behavior problems of youth. His elevation to the bench has not been achieved on that score, and it is a fortunate accident that a few individual judges have developed a special interest in this direction. This is so especially with juvenile court judges; but the act does not touch the juvenile court. Furthermore, the very best judge assisted by the most enlightened staff of investigators gets at the most a static picture of the criminal as he is on the day of his conviction. From that day forward he is bound to change, for the better or for the worse, as all other men change. The Correction Authority is implemented to deal with him continuously as that process of change goes on. It will get a moving picture of him, not just a photograph. It can vary its treatment, can determine how long treatment shall continue, not on the basis of a courtroom

impression and a guess, but on the basis of dynamic experience. We judges ought to be able to accept that difference without loss of face.

Strangely enough the other main source of unfavorable comment has come from the very group that might have been expected to receive the act with acclaim. Organized probation officers and parole officers, probably the most progressive persons concerned with applied penology, have criticized the act both as going too far and as not going far enough.

I am positive that this criticism is based upon a fundamental misconception. These critics have assumed that when the American Law Institute publishes a "model act" it expects and wants to ram that act down the throats of complaisant legislators who must take it or leave it without consideration, change, or amendment. Nothing could be farther from the fact. In the first place, the Institute neither has nor pretends to have the power to ram anything down anybody's throat. It is a research organization, a learned society. The most it can do or wants to do is to make studies, publish results, and assist in the development of sound public opinion.

Now what have been the main grounds of dissent from the probation officer group; and how may they be answered? Briefly they are as follows:

1) *The act does not go far enough. Its enlightened provisions should be applied to all adult criminals, not merely to minors.*

I think I speak for every member of the drafting committee when I say that we agree. But public opinion is not yet ready for such an all-inclusive change; and if this first step works as well as we hope it may, the rest will follow.

2) *The act applies only to those already convicted under existing criminal law and procedure. It does not*

strike at the evils of arrest and jail imprisonment, third-degree police methods and similar shocking pretrial practices portrayed in Youth in the Toils.

This is entirely correct. But the Institute at its general meeting in May 1941 gave its final approval to a companion model act, the Youth Court Act, drafted by the same committee. This attempts to outline remedies for these evils, prevalent in many large urban centers.

3) *The act takes away from trial judges the power of sentence generally but leaves in them the right to impose sentences of death or life imprisonment, or of fines and short terms in prisons, say thirty or sixty days.*

Very frankly, these exceptions run counter to the general tenor of the act. Both are so recognized, though for different reasons. The death penalty and imprisonment for life are inconsistent with rehabilitation of the offender. They possess an element of finality and apply only to cases in which society insists upon retaining a strictly punitive theory. On the other hand, society is not ready to hand over minor offenders to a Correction Authority empowered to keep them under its control for a long term of years. Moreover, if the Authority were required to deal with all minor cases it would be swamped at once by an impossible case load. The drafting committee has tried to be practical.

4) *Finally, and most vehemently, probation officers protest because the act not only takes from judges the power to impose long prison sentences, but also forbids them to place offenders on probation. They regard this as a blow against the theory and practice of probation and express the fear that competition of the Correction Authority in its efforts to secure public funds to build up an efficient working staff will have the effect of breaking down presently well-developed probation services and staffs.*

At this point I wish to emphasize to the utmost the difference between a model act and a bed of Procrustes. The draftsmen believed,—and I personally still believe very strongly,—that the trial judge ought not be permitted either to impose a long sentence to prison (unless it be a life sentence) or to place a prisoner on probation. They believed that a Correction Authority, made up of persons selected upon the basis of their specialized qualifications for dealing with behavior problems, would be better able than trial judges to make such decisions.

But let me repeat, a model act is intended as a guide to legislation, not as an untouchable prescription for legislation. Probably the most effective answer to this point of criticism, and a complete answer to those who have imagined that there is possible ground for hostility between the National Probation Association and the American Law Institute on this issue, is the fact that the Institute has given its official support to an act based upon the model act and recently adopted by the legislature of California in which there has been reserved to trial judges the right to grant probation. Actions speak louder than words. The Institute has proved by this action that it is willing to meet opposition halfway, that it is eager to make a contribution to penological reform, is in no sense doctrinaire, and does not offer a cut-and-dried, take-it-or-leave-it program. The Institute is firmly committed to the preservation and strengthening of existing good probation services. No one speaking for such services can be more vigorous in this regard than we of the Institute are.

Looking Ahead

Naturally I have in this statement covered the provisions of the model act in brief outline only. The act

and its commentaries comprise a forty-two page printed document. This contains specific suggestions for a complete and integrated system. It provides for the selection and appointment of members of the Authority, for the temporary use of existing facilities and agencies, for the creation of additional facilities and the employment of additional trained personnel as needs develop and as funds are provided to fill those needs. There are many matters of administrative detail regarding which I must refer you to the act itself.

Nor have I attempted to reply to all the objections that have been voiced. Obviously there is no magic in the passage of a new law. No administrative machinery can be better than the men selected to administer it. Political appointment of incompetent administrators will wreck this new plan as it will any other. Objections of this nature do not call for detailed reply.

Finally, the present situation. I have said already that a statute modeled on the Institute's act but adapted to local conditions has been adopted by the California legislature. Bills of a similar nature have been introduced in the legislatures of Illinois, Rhode Island, Wisconsin, New York, Michigan and Pennsylvania. In the last three states on account of the lateness of the session at the time of introduction no attempt was made to secure serious discussion; the bills were introduced for educational purposes. In Rhode Island on account of the adoption of certain amendments by the Judiciary Committee, those sponsoring felt that if the bill were adopted as amended, it might not prove successful in operation. In Illinois the bill passed the House but was defeated by a close vote in the Senate as the result of a party dispute in no way concerned with the provisions of the bill. Under the efficient leadership of Rodney H. Brandon, director of the Department of Public Welfare, many of

its proposed provisions will be put into effect by administrative action.

I put it mildly when I say that this progress in twelve months is astonishing. It indicates that the work of the Institute has fallen on fertile soil ready for the sowing. What was begun in a spirit of long time prophecy bids fair to yield immediate concrete results.

And what shall be the position of this Association, a consistent leader in penological progress? Can it oppose this measure? Can it permit the mistaken assumption of some leading probation officers that the Institute is trying to break down the splendid progress already made, an assumption based upon a complete misapprehension of the purpose and meaning of a model act, can it allow this to create a spirit of hostility between groups of forward looking and forward thinking people? I hope not; I think not. The time is here. The time when you, the working representatives of a humanistic social science, will extend the hand of fellowship to us of a sister social science, the law. We have a great opportunity now to work together, to pull together in a long, strong pull as never before. A great task lies ahead. Let us tackle it together.



Analyzing the YCA Act

GEORGE W. SMYTH

*Judge, Westchester County (New York)
Children's Court*

THE Youth Correction Authority Act, if adopted, would bring about sweeping changes in our present methods of dealing with youthful offenders. The American Law Institute which numbers among its members many of the leading lawyers of the country, has devoted some years of study preparing a model bill to bring this about. The bill is open to modifications to conform to the differences which now prevail among the several states in administering justice for this youth group. Fundamentally the plan calls for uniformity of action in all states and since the bill has been introduced in the legislatures of several states this year and will be pushed vigorously next year, it is important that we who are vitally concerned with the problem should be thoroughly informed concerning the scope and purposes of this bill.

Let us disregard details for the moment and consider underlying principles. It is proposed that a body be created by act of the legislature which shall be known as the Youth Correction Authority, designed to take complete charge of the correction and rehabilitation of young men and women above children's court age and up to twenty-one years of age who have been convicted of crime. The age limit differs in the various states. In New York the original jurisdiction of the children's courts ends at the sixteenth birthday; consequently this Authority would deal with the youthful offender between sixteen and twenty-one years only.

The Authority represents an attempt to bring about

sweeping changes in our treatment of youthful offenders. The bill provides that upon conviction of crime the youth is to be committed to or confided to the Authority, and all offenders would be included except when the death penalty or life imprisonment is mandatory by law, or when the penalty for a slight offense is a fine or a short jail sentence. Thus the sentencing power is taken away from the courts where it has always resided in this country and passes into the hands of an administrative board or bureau. It is suggested that this board or Authority shall consist of three persons appointed by the governor and that its jurisdiction shall extend throughout the state. It is possible to modify the bill so as to divide the state into districts and to appoint an Authority over each district. But in any event, when one considers the tremendous number of crimes committed by youth, it is evident that the men heading these boards would be very busy men if they were to attempt to familiarize themselves personally with all of the youthful offenders who would fall under their jurisdiction. The American Law Institute admits in its literature that a great deal of the work would have to be performed by subordinates.

Whether our people will approve of taking the sentencing power away from the courts is debatable. There are certain definite advantages which the court possesses, in that the judge has an opportunity to become acquainted with the defendant as a result of his observation during the trial, and before sentencing him has the benefit of a full and complete study and report by the probation department. Then too, I believe our people as a rule have confidence in their locally elected judges and in their courts, and there is much to be said in favor of keeping this responsibility in the hands of men who can be held directly accountable for their actions. It is conceivable that under a board the responsibility would be so divided

and would be so remote that there could not be the same degree of personal accountability.

Many lawyers and laymen recognize the weaknesses of the present system and would favor any sensible plan which would result in an improvement. They feel that the sentencing power should be removed from the courts, contending that the present method is unscientific and is influenced entirely too much by the personal inclinations of the judge. They claim that different judges mete out different sentences for the same crime under almost identical circumstances, and that matters would be greatly improved if this power were given to a board which would make more careful study of methods and principles involved in sentencing criminals.

In taking away the sentencing power from the courts it naturally follows that the power to place youth on probation is also negated. Consequently the probation departments which have done admittedly fine work in rehabilitating large groups of youthful offenders, would be abolished or absorbed into this new plan. There is set up in place of such departments and in place of parole departments, the Youth Correction Authority. With the assumption that technique and practice might be uniformly improved, this might work better than does our present system. Certainly many well-known lawyers and penologists believe that it would, while others of equal eminence believe that it would not.

The treatment under this new plan is to terminate within five years, but it would be possible to apply to the courts for an extension, and through repeated extensions it is conceivable that supervision for life might result. After the youth is committed to the Authority it is to have complete supervision over him. It can determine whether he is to be allowed to remain at home under the supervision of a probation officer, and whether

or not he is a success or failure on probation. If it deems his adjustment unsatisfactory it has the power to commit him to a suitable institution and to keep him there for an indeterminate period. It has the right to designate the type of institution in which he shall be confined, to release him when it believes the proper time has arrived and to further extend the period of treatment with the court's approval.

Under the Authority an effort would be made to develop new types of detention homes. Treatment centers similar to the English Borstal schools might be evolved but nothing can be done unless the funds are first provided. The board cannot work without appropriations. We must consider the vast sums which would be required and decide whether it is a practical proposal.

The fine ideals of the American Law Institute should be appreciated and its plan should receive careful study. Whether or not we have the knowledge and the scientifically trained workers needed to put the plan into effect is a question. There is no magic in a name. Simply calling this new body an Authority and clothing it with certain powers would not of itself secure results. We should have to depend on the men and women now working as probation and parole officers and upon the other officers of our correction department. It is inconceivable that an entirely new personnel could be created—the restrictions of civil service alone would not make it feasible. In fact I know of no people better versed in the treatment of offenders than are the large majority of these workers who have had years of training and experience.

We should also have to use our present institutions unless the state is ready to invest more money to erect more ideal ones. No one with a realization of present budgetary problems could foresee such a change as probable. At the same time we should have to continue oper-

ating our present system designed for the care of those over twenty-one years of age and for those of juvenile court age. This existing system is large and well developed.

Another factor to be considered is the effect which the adoption of an untried plan would have upon progress now being made in the treatment of youthful offenders. Our leading penologists have devoted years of study to seeking the weak spots in our present system and in attempting to eradicate them. One of the greatest evils now encountered is the keeping of the youthful prisoners in jails and lockups awaiting trial, not only exposing them to all the vicious influences they meet there but taking no constructive steps on their behalf during that period.

Another evil lies in the failure of society to follow up the alleged youthful offender who goes free because of some technicality or failure of proof although it is common knowledge that he is a disorderly, undesirable character and a potential source of trouble. The problem of the chronic misdemeanant, often more of a social problem than the felon, is one which looms large in the penal field. Perhaps the legal difficulties in the period preceding adjudication are more pressing than the social ones which follow it!

We are making progress at the present time in our approach to many of these special problems. For instance, we are all watching with interest the attempt being made to establish adolescent courts in New York City.¹ Is there not much merit in the suggestion that it might be well to continue to build on present foundations which represent the wisdom and experience of the years, rather than to undertake a great, untried experiment?

Those of us who have worked in the court have often

¹ See page 413.

heard the judge charge the jury that the plaintiff has the burden of proof. In this case the proponents of the Youth Correction Authority Act bear the burden of proof. Have they convinced you that the model bill presented by the American Law Institute offers a practical plan? I urge you to discuss your views. It may be that from such discussion we may be able to arrive at a decision which will enable us to take some forward step in the treatment of the youthful offender.



The YCA Act—Is It Practical and Needed?

JOSEPH P. MURPHY

Chief Probation Officer, Newark, New Jersey

IN our consideration of the proposed Youth Correction Authority Act, let us recognize at once the high purpose and outstanding character of those who have originated and are now sponsoring this proposal. The American Law Institute is an organization of leading lawyers throughout the nation, many of them distinguished for broad accomplishments in the fields of law and government. Among the legal profession the Institute and its director have an enviable reputation. Back of the organization is a history of successful achievement in the field of civil law improvement and modernization. Finally, the character of the members of the advisory group who drafted this proposal compels our respect and serious consideration. Every one is a recognized leader in his profession and most of them are well known to social workers and correctional administrators. Therefore we should take for granted the sincerity and high purpose of this group.

Having said all of this we still owe it to ourselves, to the field in which we operate as well as to the public at large, to scrutinize the proposal carefully and impartially and subject it to all the tests of practicality which our experience reveals are necessary. Unfortunately, we know that many of those who advocated the adoption of the late but not lamented prohibition amendment were equally distinguished and motivated by idealism; that those who successfully had placed on the statute books of New York state the now impotent fourth of-

fender law were also outstanding leaders, even experts in the law and other fields of professional endeavor. Today we know that what seemed to them ideal remedies when proposed were administratively impractical when put into actual operation. We should be careful to avoid any such socially disastrous projects in the future.

Let us then proceed to analyze this proposal. What does it do? The Youth Correction Authority Act creates a centrally administered, statewide treatment agency composed of three members appointed by the governor for terms of nine years each. No qualifications for membership on this body are proposed in the act. That question is left to individual states.

To the Authority is given exclusive control of youths—girls and boys between the ages of sixteen and twenty-one years—convicted of all violations of law except those punishable by life imprisonment or death, and those punishable by a fine or not over thirty days commitment in a jail or penitentiary. In other words, to this extent at least jurisdiction of the Authority is determined not on the basis of treatment needs but rather on the basis of the offense and age of the offender.

The act proposes to take away from the court power to sentence to specific institutions (except in those instances just quoted) or to release offenders on probation. After conviction—not before—if this act is adopted the court would hereafter be required to commit offenders in the age group designated to the Youth Correction Authority. Thereafter that agency would have full control of the offender, including power to determine the character of treatment to be administered as well as the time of release. The act further provides that offenders committed to the Authority who are less than eighteen years of age at time of commitment be discharged before they are twenty-one, and those who are

eighteen or more at time of commitment be discharged within three years from the time of commitment unless the Authority has entered an order directing a longer period of control in the interests of public welfare. Regardless of the offense committed, under further provisions of the act, the Authority would retain control of the offender for life if necessary, subject to periodic approval by the committing court and appeal by the offender himself. In this latter provision we see opportunity for endless litigation and heavy expense both to the offender and the state.

Briefly, then, all offenders, girls and boys alike, between the ages of sixteen and twenty-one convicted of—not charged with—either major or minor offenses in both inferior and higher courts (except those previously mentioned) who the court decides are in need of treatment, either probationary or institutional, would be committed to the control and jurisdiction of the Authority. Please bear in mind in this connection that no qualifications are proposed for members of the Authority nor for their agents to whom would be delegated the larger responsibility for the execution of the procedure. All such matters are left to individual states for decision or to the Authority after its appointment.

Extent of the Problem

To support the contention that a separate agency of this character limited to a small group of offenders is necessary, the advocates of the proposal cite considerable data gathered by Professor Thorsten Sellin prior to the drafting of the act, which they assert justifies what they admit to be an enormously expensive project. Let me quote from one of the members of the drafting committee:

"There are other alarming figures given us by Dr.

Thorsten Sellin of the University of Pennsylvania, statistician for the Committee on Criminal Justice-Youth of the American Law Institute, which served to illustrate my point. Youths between the ages of fifteen and twenty-one constitute but 13 per cent of our population above fifteen, but they are responsible for approximately 20 per cent of our robberies and thefts, 40 per cent of our burglaries and nearly one-half of this country's automobile thefts. We also know that boys from the ages of seventeen to twenty are arrested for serious crimes more often than any other age group."

What is not quoted however are other data found in the same report which show that the sixteen to twenty-one group represents only a small part of the offender population and does not, as compared with other age groups, commit a disproportionate amount of crime. In other words only the quality rather than the quantity of crime distinguishes this group from other groups of offender population. Here is what Professor Sellin has said:

1) "In all violations of the law, without regard to the type of offense, the youth group does not show excessive participation. When one considers that some 13 per cent of the population over fifteen years of age falls in the sixteen to twenty year group, the participation of this group in the total offenses dealt with by police and judicial agents seems relatively small. This is due to the fact that the youth group has a very low rate of violations compared with older age groups in offenses such as drunkenness, disorderly conduct, vagrancy and ordinary traffic violations, which together comprise four-fifths of the transgressions of the law.

2) "In crimes against property the offense rates of youth are abnormally high, and since these offenses comprise the majority of serious crimes the rates for the

latter as a whole are very unfavorable to the youth group, but crimes of violence against the person and crimes involving fraud or the violation of trust are more common in certain older groups."

In the foregoing connection, the official reports of the law enforcement agencies of New York City show that approximately 90 per cent of all violations of law in that city are committed by persons over twenty-one years of age.

Other statements made by the advocates of this proposal concern statistics published by the Federal Bureau of Investigation regarding the number of arrests made during 1940 among the sixteen to twenty-one year offender group. This report shows that 108,857 offenders under twenty-one years of age were arrested and fingerprinted. We do not know whether these statistics are limited to those between sixteen and twenty-one when arrested, but we do know that in some states offenders under sixteen are still fingerprinted and this statistic may be inaccurate in respect of the number of those arrested actually between sixteen and twenty-one. Furthermore we also know that only a limited number of those arrested are eventually convicted. In some states the percentage is only one out of three. This would mean that the Youth Correction Authority, which would not take jurisdiction until after an offender has been convicted, would have only a comparatively small group of offenders under its jurisdiction. To care for this group, then, an entirely new agency, admittedly cutting across our whole correctional machinery—probation, institutional and parole—is proposed. Is this wise or practical?

Administrative Conflict

In order to understand the extent of this duplicating process we need only study the grant of power given to

the Authority in the official draft of the proposal. It may:

- 1) Establish and operate a treatment and training service and such other services as are proper for the discharge of its duties;
- 2) Create administrative districts suitable to the performance of its duties;
- 3) Employ and discharge all such persons as may be needed for the proper execution of its duties;
- 4) Establish and operate places for the detention, prior to examination and study, of all persons committed to it;
- 5) Establish and operate places for examination and study of persons committed to it;
- 6) Establish and operate places of confinement, educational institutions and other correctional or segregative facilities, institutions and agencies for the proper execution of its duties;
- 7) Establish and operate agencies and facilities for the supervision, training and control of persons who have not been placed in confinement but who have been released from confinement by the Authority upon conditions, and for aiding such persons to find employment and assistance;
- 8) Establish and operate agencies and facilities designed to aid persons who have been discharged by the Authority from its control in finding employment, etc.

Here we find broad power and authority to duplicate and cut across existing state correctional, institutional and public employment facilities, including probation and parole. But more unfortunate, we believe, is the division of responsibility which would occur if this procedure is established. The Authority is given power to select and commit offenders to existing correctional institutions and agencies. Not only does it have this power to select and commit but it would retain control of the offender during his period of incarceration and determine the time of his release. On the other hand the Authority is given no control over the institution in which the offender is receiving treatment and the institution or agency in

general retains its power to determine release. One needs only to analyze this proposed procedure carefully to appreciate the interminable conflict which would result in such an administrative policy. Would any progressive business man recommend such a policy for his own industry or organization? We think not.

Problems Not Solved

Despite the assertions of its sponsors, this proposal would not provide a practical remedy for the major evils involved in youthful crime. Would the proposal eliminate fingerprinting of youthful offenders and their permanent stigmatization as criminals? It would not. Would it prevent the incarceration of youths in police stations or jails pending hearing or trial, or the contaminating and corrupting influence of such institutions? It would not. Would it prevent the conviction of youths on criminal charges and all the social discriminations and penalties which flow from such status? It would not.

The Authority would not accomplish any of these desirable objectives because it would not begin to function until after conviction. Furthermore, the use of existing agencies, both for detention and treatment, is contemplated in the act. New institutions for such purposes are not to be used until funds are provided by the public. It is true that a companion act, known as the Youth Court Act was approved by the American Law Institute this year. But this proposed court is contemplated only for communities in states which have adopted the Youth Correction Act and which have a "sufficiently large number of offenders in the sixteen to twenty-one age group." Here we see again great possibility for conflict in court jurisdiction within the states where such courts may be adopted. Nor would the establishment of this court eliminate the evils to which I have referred. Youthful

offenders would continue to be fingerprinted, convicted of criminal offenses; existing facilities for detention and treatment would be continued as now at least until large amounts of money are made available for new jails, probation and other treatment agencies.

Some Curious Inconsistencies

The sponsors of the Youth Correction Authority whose sincerity and objectives we have already conceded submit this proposal to the public as a method of improving the conditions under which youthful offenders are now apprehended, prosecuted and treated. The purpose is to substitute treatment for "retributive justice." But when the subject of conflict with juvenile court procedure is met by the sponsors, they recommend the lowering of the juvenile court age in those states where jurisdiction of the court now extends beyond the sixteenth birthday. The language found in the introductory explanation accompanying the official draft of the act is enlightening in this respect.

"The upper age limit of juvenile court jurisdiction varies in the different states. However, while in many states juvenile courts deal with delinquents over sixteen, in practice they rarely deal with youths charged with serious offenses over that age. Possibly in some states the upper age limit of the juvenile court is too high and the line of demarcation between the scope of the act and the powers of the juvenile court will not fall in the wisest place. If this be thought true in any particular state, the juvenile court law can be amended by the legislature."

In our opinion this proposes a backward step and I am sure if the implications of this proposal are thoroughly explored no state will return to the lower jurisdictional age in its juvenile court procedure. For instance, it would mean that offenders now saved from the process

of fingerprinting and conviction as criminals would be returned to that status from which the juvenile court has rescued them. On the other hand, if no such backward step is taken, then we have a period of only three years during which this separate treatment agency might take control of youthful offenders. All of which raises doubt in those familiar with youthful offenders of the wisdom of this new proposal.

Another inconsistency is revealed in the announced purpose of the proposed legislation:

"The purpose of this act is to protect society more effectively by substituting for retributive punishment methods of training and treatment directed towards the correction and rehabilitation of young persons found guilty of violation of law."

This is indeed a laudatory objective and one which all students of criminology as well as correctional administrators will applaud and support. However, the act calls for the utilization of existing agencies and institutions, at least until such time as the public provides large appropriations for a duplicating set of facilities. How, then, do we reconcile this announced purpose with actual practice? How can we say that the purpose is to substitute treatment and rehabilitation for "retributive justice" if the same institutions, the same facilities, and the same personnel of existing agencies and institutions are to be utilized?

Objectives

Recently the objectives of the Youth Correction Authority Act and the Youth Court Act were summarized by one of its advocates as follows:

- 1) Rapidity of trial and reduction of the pretrial period;
- 2) Elimination of the degrading and demoralizing influences so often found in the average jail where segregation and sani-

tation are merely words in a dictionary, through substitution of decent places of detention.

Indeed this is a wholly desirable and urgent objective, but we may be pardoned for asking what miraculous transformation is to take place in the minds of the public as well as of legislators which will make possible the expenditure of vast sums for the erection of new buildings of detention which are not now possible despite constant efforts of correctional authorities and frequent criticism of grand juries. And this for a small group of offenders who do not carry the same appeal in the public mind that our juvenile delinquents now enjoy.

3) A simplified legal procedure correlated with improved techniques and pretrial factors including apprehension, investigation, etc.

Here the implication is that the new youth court will improve the methods of apprehending offenders. How this is possible is not explained. Moreover, if the Youth Correction Authority does not take jurisdiction until after conviction and the Youth Court Act is recommended only for a comparatively few areas, how is this simplified legal procedure in trials, apprehension, investigation, etc., to be achieved?

4) The extension of the true indeterminate sentence through elimination of a good part of the judge's power to sentence.

While it is true that the act would accomplish this purpose another problem is presented by the proposed procedure. If the power of the court to impose a fine or a short jail sentence, or in some cases a life sentence, is continued, the obligation of the court to discriminate in the sentencing of certain convicted offenders will remain. In order to make this discrimination the court must be informed and will continue to require social investigations by probation officers or some other agency. Here

we see the possibility of further duplication and conflict with unnecessary cost of administration, both in our local courts and in the treatment agencies.

- 5) Establishment of a statewide coordinating agency to more effectively utilize existing facilities of treatment and to render decisions on the disposition of cases including methods of treatment.

While it is true that coordination is attempted in the utilization of existing institutions and facilities, and the proposed act will permit the Authority to render decisions on the disposition of cases, these provisions create infinite possibilities for administrative conflicts. The Authority may select the institution or treatment facility but retains control of the offender and may determine time of release. On the other hand, the institution or treatment facility has to provide the treatment without such control or power.

- 6) The assurance of an adequate and trained personnel, administrative as well as professional.

This is a more or less confusing statement in view of the failure of the proposed act to set up any qualifications for membership on the Youth Correction Authority or to provide any qualifications for employees or agents of this body when created. Failure to definitely establish such qualifications is serious when we consider that the agency is to discharge responsibilities now performed by the judges of our courts. With all their weaknesses and inadequacies our judges as lawyers do have considerable education and training in the law as well as knowledge of traditions and background of criminal law administration. Are we wise in proposing to substitute for these judges, persons who may or may not be qualified to undertake such responsibilities?

Cost of Operation

When the full implications of this proposal are studied, we realize immediately that tremendously large amounts of money will be necessary to carry out the expressed purpose of the new treatment and court agencies. New places of detention, new institutions for examination, study and treatment, new facilities and personnel for treatment and supervisory techniques will be required. Unquestionably, requests or demands for such expenditures will compete with the requirements and demands of existing correctional facilities. In view of this we are justified in asking whether or not this is an appropriate moment to make such a proposal. The demands for defense and other governmental needs indirectly related to such activity will place a tremendous burden on the taxpayer for many years to come. Recognizing our responsibilities to the public, are we justified in approving or supporting a proposal which will unnecessarily add to the tax load of every citizen?

Principal objections to this proposal may be summarized briefly in the following manner:

- 1) Centrally administered state treatment agencies attempting to treat offenders in local communities are neither economically nor administratively efficient. County units under state supervision are far more practical and efficient.
- 2) Failure to set up qualifications for membership on the Authority or for the agents and employees of the Authority will endanger the administration of the act and risk loss of confidence and respect on the part of the public.
- 3) The proposal would not eliminate the major evils involved in the problems of youthful criminality.
- 4) The proposal would require the expenditure of large sums of public funds to establish new institutions and facilities and provide necessary personnel. The financial condition of our states would not justify any such policy for many years to come.

5) The Youth Correction Authority will duplicate existing correctional machinery, create administrative conflicts and compete with existing correctional facilities for funds, thereby retarding our present correctional program.

Nothing we have said here is intended to minimize in any respect the seriousness of the problems presented by our youthful offenders. But advances in the fields of probation, institution and parole administration all reflect progress in philosophy, techniques, and administrative accomplishment. Moreover the public has shown a willingness to provide funds for these improvements. On the other hand, until the juvenile court has been fully accepted and is able to function at maximum efficiency, we should not attempt to complicate the situation by creating another agency which would compete for public support. Perhaps if we perfected our juvenile court procedure, strengthened and broadened its influence and authority, we should have less need for treatment agencies for the later adolescent group. The question we must all ask ourselves is whether the progress which we seek should come through gradual improvement of existing facilities and procedures or through the creation of a new agency limited to a small group of the offender population, which would duplicate the work of our present correctional machinery, conflict with juvenile court jurisdiction in many states, and compete for funds with all of our existing organizations and agencies.



The English System of Borstal Schools

BENEDICT S. ALPER

Judge Baker Guidance Center, Boston

IF another of the seemingly endless surveys of the extent of youthful criminality were to be made, and if as a result we should be told—once more—that the majority of habitual criminal careers are formed between the ages of sixteen and twenty-one, that an extremely large number of offenders between these ages pass annually through our reform and correctional institutions, the great majority of whom are not really reformed, we should have small cause for wonder. If, however, some governmental unit, resolved that once and for all the problem was to be tackled in thorough-going fashion with regard only for the best in reformatory experience, then indeed we might have reason to applaud, hoping that the experiment might not be strangled by premature attempts at evaluation.

If moreover the experiment were to be introduced gradually, with no attempt to blanket the entire problem at the outset and without emphasis on vast and impressive buildings, expensive machinery and the general grandeur of a "prison world of tomorrow," we might expect that such efforts would have some fair hope of succeeding. Add to this a reliance solely on nonpolitically appointed personnel, a refusal to make a clean sweep of the institutions with each election or whenever political strategy required a scapegoat; allow the same men to hold office for one, two or even three decades while they have an opportunity to build slowly and to learn fast, and we would all agree, would we not, that the millenium had

just about arrived for reformatory administration, if not for the reformatory inmate as well.

A study was made in England in 1895 by a Departmental Committee on Prisons. The result was an entirely new system of reformatory treatment, begun not ten or twenty years after the study had cooled in the files, but at once, and with "determined effort." The first experiments with the "juvenile adult prisoner" were carried on in the wings of adult prisons, notably that at Rochester near Borstal (hence the name Borstal system) in Kent. The demonstrated success with special programs for the older adolescent offender, sixteen to twenty-one years of age, led to official Parliamentary sanction for the plan in 1908. Borstal training then began in special institutions limited solely to this age group,¹ new units being added until in the days just prior to the outbreak of the present war, there were eleven Borstal schools with over 3000 young men in care during a single year.

I am well aware that 3000 is not a large number of offenders in any age group. Do we not have at least two so-called reformatories in the United States which house over 3000 inmates at any one time? That is just the point. These 3000 young men were distributed among eleven institutions, scattered over all of England, ranging from old prison buildings of maximum or medium security with traditional, forbidding exteriors to open colonies, farms and camps of modern design and of absolutely no security. In the six years between 1933 and 1939, Borstal commitments rose from twenty-seven to over fifty per cent of all convicted offenders between the ages of sixteen and twenty-one for whom institutional treatment was ordered by any court in England and

¹ Since 1936 and as the direct result of a special experiment with offenders twenty-one and twenty-two years old, the upper age limit of Borstal commitment has been raised to twenty-three.

Wales. A system which had been forty years in the building had matured its philosophy, increased its facilities, developed to the point where it was not only doing an effective job with its inmates, but was convincing judges no less than the public generally of that effectiveness.

Commitment Procedure

For an understanding of the Borstal system it is important to make it clear at the outset that the process is selective of the individuals in the age group whom it takes. The judges of all lower and upper courts are required by law to invite the Prison Commission to determine through its inquiries whether the convicted offender is or is not suitable for Borstal training. If Borstal is recommended, the judge usually follows the recommendation. He is, of course, not bound to, and the Prison Commission may under certain circumstances later transfer a young man committed to prison to a Borstal institution.

Once the judge has made the commitment—not to any one institution but simply to Borstal training—he has no choice whatsoever as to the institution or institutions where the offender will serve his sentence, nor the date when he will be released. A minimum term of six months and a maximum of three years are fixed by law as the limits of Borstal training. Only in the case of a violation of parole may the offender serve more than three years in a Borstal institution. Parole extends for one year beyond the unexpired three year term of institutional training.

The choice of the institution is left in the hands of the Prison Commission, a group of nine men appointed by the Home Secretary, a majority of whom have served in the ranks as governors (wardens) and before that as

housemasters in the institutions. The Prison Commission is charged with the responsibility for all the prisons of England and Wales, and one of their number is given oversight of the Borstals. The commissioner, with a colleague or two, the head of the allocation center, and one or more governors from the institutions, sit together as a classification board and allocate committed youths to the training units which compose the system. Their decision is based on a thirty day observation of every case under controlled conditions at Wormwood Scrubs, near London, where all young men sentenced to Borstal training are sent prior to allocation. This board is assisted by information drawn from court reports and investigations and an original inquiry made by the social workers (most of them volunteers) who serve the collecting center.

In its decisions the allocating board emphasizes assets, potentialities, likely response to conditions of freedom and a wide range of opportunities for development. Except insofar as they may provide a key to training needs, little attention is paid to prior offenses as such. Allocation with reference to security depends on the estimate of the board as to the offender's readiness for conditions of freedom, the likelihood that he may be expected to respond well to the program and personnel of a particular institution. Such a process encourages the reformable aspects in the offender's character and background. A more complete equality in commitment practice is thus assured: men, trained as subordinates in a system they have helped to build, must inevitably develop a uniformity of viewpoint which serves as a corrective to the diversity of opinion entertained by judges—even English judges—toward the institution and its fundamental purpose.

After the convicted offender has been allocated to an

institution, but before he is transported there, he has a talk with the head of the parole authority—the Borstal Association—regarding his release on parole. His case record bears, in addition to an institution number, a consecutive Borstal Association number which runs like a thread through the individual training process and bespeaks the concern of the after-care organization while he is still in the institution. For note that a representative of the paroling authority also visits each boy several times before release.

The nine treatment centers can be divided into two main types: the walled institutions and the open. There are five of the former, all of them former prisons of conventional appearance and arrangement, of either maximum or medium security. None of them accommodates more than 400 young men. The four unwalled institutions, developments of the past ten years, differ among themselves chiefly in the matter of location and their main function which determines the construction and interior disposition. One specializes in the teaching of the building trades, another provides agricultural training—farming, gardening and orchard, and the breeding and care of livestock. North Sea Camp, perhaps the best known of the Borstals, offers little in the way of work other than the heavy labor of reclaiming the fertile marshlands of the North Sea, the building of dikes and drainage canals,—a Zuider Zee project in miniature. The latest addition to the system is a combination of a three months' training course in the old prison in Usk near the Welsh border, followed by a term of completely outdoor activity in a camp in the hills three miles away.

Regardless of the type or location of the institution to which he may be sent, the Borstal lad, as he is called, will find certain things everywhere the same. The first

of these is the individualization of the care which he receives. He is frequently allocated by the governor of the institution to a particular house because of the other boys he will find there and the kind of housemaster who will have him in charge. The housemaster assigns him to a dormitory or to an individual room or to a section of the house according to what may be expected of him in getting on with the boys already there. His trade training is determined by what he has done in the past, and more important, by what he plans to do on release.

Personnel

The people who will supervise him—the governors, housemasters, teachers, custodial officers, trade instructors, and the matrons assigned to each house,—know their business. They are carefully selected under a civil service procedure and then allowed full freedom to work with—and on—the young men committed to their care. The authorities are aware of the importance of the later teens and early twenties in the development of young men. It is a period when the process of identification is strongly at work, when the lad has not yet outgrown the necessity for building up ego ideals. The men chosen to direct this process are indeed fit objects of “hero worship” and they are expected to mingle with the boys in the intimate details of institution life. They study the background of each of their fifteen to forty boys, come to know them as they are, and then set about creating opportunities for extending this acquaintance and consciously molding individual attitude and outlook. Housemasters and boys in many Borstals share the experiences of daily living: they eat, work, play and study together. The resulting spirit of camaraderie can only redound to the benefit of the boy when the right kind of man is set

over him as friend and leader. The responsibility of the housemaster is divorced entirely from the custodial work of the institution, he does not represent constraint nor is he the immediate turnkey. Thus his job of personal influence is made easier, opportunities even being created to permit a close and effective relationship. In this kind of setting, a psychotherapeutic process is at work.

Uniforms and guns are entirely unknown in the civilian setting of all Borstal institutions. The familiar slacks and sport coats of officers and staff, and the shorts and jackets of the boys give to all the institutions, even the walled ones, the appearance of a school, except that "out of bounds" is more clearly marked and trespassers may be dealt with more severely. American observers are interested in the problem of escapes from Borstal schools, forgetful of the fact that many of our juvenile training schools as well as reformatories offer many opportunities for escape. In 1937 about four per cent of all Borstal inmates made successful or unsuccessful attempts to escape. How large a percentage of these were finally apprehended and returned it is hard to say; certainly the great majority of them were caught or returned voluntarily, undoubtedly mindful of the fact that they could go neither far nor long before being picked up. Some open institutions refuse to take back a boy who has eloped, considering that he has violated his pledge. But circumstances alter cases, and those to be considered are: what effect the decision will have on the boy, and his future at Borstal and beyond.

Lest there be some who may conclude that Borstal is an ideal place to tarry for a few years, be it understood that among convicted offenders there are many who would prefer a term in prison, of longer duration maybe, to the arduous driving program which prevails at all of the Borstals. Here are no twelve or fourteen hours locked

away in a cell where one may escape from a monotonous routine in which no day is unlike another except that on Sunday there may be ice cream and twenty hours with nothing to do. Cells in Borstal are occupied only for the necessary nine hours of sleep. The rest of the time the boy is in the shop, the fields, the schoolroom, swimming pool, mess and recreation hall. The routine is strenuous and the same for all. It may perhaps work somewhat of a hardship on the introspective and the ruminative, but certainly these types by no means represent the majority of young offenders committed to reformatories. There is no opportunity for idleness and the phantasy life which feeds on inactivity. Those only who consistently refuse work are compelled to do nothing, until boredom forces them to request the opportunity to return to work. Under such circumstances, disciplinary problems are kept at a minimum at the same time that muscles are strengthened and good work habits instilled.

Despite the small number of escapes, it should not be thought that the bounds or walls of the institution hem the Borstal lad in from the stream of ordinary living. All kinds of people pass in and out of the institution grounds, and by far the largest percentage of inmates, even in the stricter units, have an opportunity to work, play, hike, camp and visit outside. The world to which the offender is to return does not remain entirely closed to him while he is in training to take his place in it again.

Discharge

Discharge and parole are an integral part of the total treatment process. After-care plans are made to conform to the individual needs and progress of each boy in the institution. No Borstal inmate needs to wait until a job has been found for him before he may be released,

he leaves the institution when the institution has done him all the good it can. Lodgings, financial assistance, tools and clothes are provided for those who require this help. The parole procedure provides one and sometimes two persons to help the newly discharged lad; in London at least, boys without jobs are seen daily by the parole officer until they are placed in work. The entire parole case load in the Greater London district is reviewed every Saturday by the supervisor to make sure that in each case the steps previously determined upon had been taken during the week. A reformatory process which emphasizes release at the time the sentence is begun must impress the boy as not just a hopeless sentence, imposed as punishment, but as an integrated treatment plan, with all parts interrelated, the operation of which is made so clear at the outset of his term that he literally "sees it clearly and sees it whole."

Defects of the System

It is fair to ask at this point, should not a system of training based on these principles and operated according to these methods, be successful and effective in a proportion of cases which reliably runs well over fifty per cent? Before proceeding to a brief consideration of what Borstal may mean to American reformatory methods, some defects or weaknesses of the English procedure should be cited. The criticisms which follow are not only the product of my own observation, but the opinion in some instances of English and other students of the Borstal plan.

Despite the fact that the Borstal system has been in official operation for well over thirty years, its early beginnings in prison structures and its affiliation with the Prison Commission have combined to give it more of a penal flavor than the actual administration of the

Borstal institutions themselves warrants. Recent trends have been toward more open colony type units. Nevertheless the five walled institutions which were not originally designed as Borstal training centers provide a prison type setting at variance, despite many structural and interior alterations, with the program practiced within. The principles upon which Borstal treatment are based are more consonant with those in training schools for younger offenders than with prison method. Transfer of the Borstals from the control of the Prison Commission to that department, also in the Home Office, which supervises the "approved schools" (reform schools) has therefore been suggested.

This penal tradition is found in such terms as "penal class" for those deprived of privileges; in the continuance of "brown" and "blue" grades with distinctively colored dress for each grade, worn to differentiate between recent receptions and those considered for release, and to encourage exemplary behavior; the use of such tasks as stone-breaking—almost totally abandoned now—oakum-picking, and sawing of railroad ties as either made work or punishment. Pending solution of the controversy between labor for training purposes versus labor for production, a large part of the workday of Borstal inmates will continue to be devoted to the filling of government orders. It should be noted in passing, however, that the Borstals are all in advance of those reformatories in our own country where the principle of production for state use has not yet met acceptance.

Some of the officers in Borstal institutions were trained in or transferred from the prison service and it has not always been easy to get them to modify their custodial outlook. Military formations and saluting are two features which still persist in some places. They represent not only an old prison custom, but also the

military tradition which is more deeply rooted in British life than in our own. These precedents may account for the use, in one Borstal at least, of the institution number with the name when referring to a boy.

Certainly the most serious criticism which can be levelled against the administration of the Borstal schools is their failure to make use of modern advances in psychology and psychiatry. In late years a part time psychiatrist has been retained for investigation of new receptions at the collecting center and for the treatment of difficult cases transferred back there for special help. All boys at Wormwood Scrubs are given a group psychometric test. But the full time medical officers attached to some institutions and the physicians who render part time service in the smaller Borstal units are not trained in psychiatry. Recently the Prison Commission has introduced vocational testing into all the Borstals. The aim is eventually to have two housemasters at each institution skilled in the administration and interpretation of these tests. But there the employment of psychological and psychiatric method seems to stop.

True, recent years have seen a demand for graduates of social work courses to enter the Borstal service, and in time there will be greater emphasis placed upon the use of scientific skills in the training of young offenders. Unquestionably the personal influence of the staff on the boys is the heart of all that psychiatrists talk about, even though the form is not a familiar one in the reformatories of our own country. At Borstal, however, this treatment seems to be based too largely upon the subjective approach of the individual staff members, untempered by the knowledge of human behavior and the means of influencing it which has so altered social work thinking in the past twenty years in the United States. Certainly the principle of individual dealing, of treatment based

upon thorough knowledge of the case, has been completely accepted by Borstal workers during the past decade. It is to be hoped that they will seek to improve their method by requiring that staff workers become more professional in their knowledge and use of psychiatric techniques. Borstal training is in the hands of social workers and not prison guards; the edge of their working tools could be made finer by introduction of some practices accepted here as standard equipment for the psychiatric social worker.

Application in the United States

The Borstal methods have been the subject of discussion by penologists for many decades although basically there is little that is really novel. It is in the variety and ingenuity of their application of these principles to the reformatory process that the Borstals have given them vitality and effective expression. It remains now to see what of value these principles and methods may have for the American scene.

Treatment boards, under various names, have been discussed by many authorities at many conferences and in many journals. Professional in training, appointed without regard to political considerations, such a board would stand between the committing judge and the receiving institution, to decide, on the basis of the offender's history and needs, the best institution to which to commit him, and the most effective kind of treatment he is to receive. Similar boards are already operating *within* many reform and penal institutions; they are part of the system of classification which is one of the most important contributions of American penological practice. Placing such a board one step earlier in the process would render it even more effective than it now is.

Nothing in the treatment board plan infringes on any

constitutional guarantee or interferes with the prisoner's rights before, during or after trial. The judge, it is true, forfeits some part of his powers—the precise determination of the means of treatment. But the separation of the guilt-finding and treatment functions of the court has been urged for many years, not only in the adult, but more recently in the juvenile court. Judges, learned in the law, are neither expected nor required to be skilled in knowledge of the many forms of treatment necessary for the restoration of the convicted offender to his place as a law-abiding member of society. To be able to dismiss from his mind the necessity for determining treatment, would be to leave the judge freer to concentrate on the determination of the innocence or guilt of the offender before him.

The next matter of interest to us is the individualization which in the Borstal approach is carried far beyond its known limits in this country. Classification within our institutions is too often confined to assignments to work parties, educational classes and the like. It is handicapped by: 1) the lack of variety in treatment institutions; 2) the paucity of treatment methods; 3) the large size of most institutions, demanding a dead level of monotony attuned to the lowest common denominator, so to speak, of response to treatment conditions; and 4) the lack of sufficient case workers within the institution to carry out the important individual work of personal influence without which real and lasting reformation is seldom achieved.

A recent survey of the attitude of prisoners toward those who guard them shows that the highest degree of animosity is directed against the one who stands closest: the guard who locks and unlocks the cell door. The warden at the top of the official ladder, the person who has the final authority over the turning or unturning of

every key in the place, is the object of the lowest degree of resentment by the inmate population.

Such a finding is entirely reasonable and understandable. At the same time it is an indication of the possibilities that would inhere to the reformatory process were personal influence to be the main reliance of their method. If counselors or advisers were to take the place of guards, if knowledge of the individual inmate were to be as essential a part of reformatory routine as custody now is, if convicted offenders were to be segregated according to their probable reaction to different types of men selected for their knowledge of human behavior and their ability to redirect attitudes, if the institutions which house these offenders were to be built and run to allow the fullest possible opportunity for this important work of human redirection, we should then be approaching somewhat nearer to a truly *reformatory* method than our present rigid and impersonal institutions do.

The clinical interview as conducted by psychotherapists has much to teach the institution worker. The inculcation of new relationships with his fellows and with society is dependent upon the degree to which the offender develops insight into the motives of his own conduct and the degree to which he is helped to accept the facts concerning his true situation. The unearthing of deep conflicts may be beyond the skill of a staff worker in a reformatory, but he can help some boys to find the causes of their dissatisfactions, antagonisms and feelings of frustration and bring to light some of the elements of their ideational life, cynicism for example. The nature of the individual's drives and urges, his feelings of inferiority, of guilt, his attempts at compensation, can be evoked and interpreted by the skilled worker. The result—to the boy—is a growing realization that someone

understands him; the ensuing identification helps him to make other healthy attachments; he finds himself wanting to make good as new ego ideals are built up to replace those he brought with him from the outside world. The number and variety of opportunities presented to the institutional worker to observe and influence the conduct and attitudes of young offenders exceed those available to the clinical worker. The basic principles and methods are alike for both, but the institution program must be so arranged as to give him the necessary time and opportunity to ply his skills.

Staff Selection

This brings us to what is perhaps the most important lesson of the Borstal experience. For so many years now and in so many places we have been urging the selection and employment of skilled people in the public social services that it is a wonder we have not made more headway. The reports of the Osborne Association, quotable more for their recency than for anything strikingly new which they reveal on this subject, stress the same old burden of complaint: lack of technical training and experience in institutional staffs, political control and manipulation of the entire institutional administration. With low standards of personnel selection and appointment it may indeed be foolhardy to speak of the desirability of good professional experience and high devotion. A vicious circle seems to operate here as in other fields of public service: a low level of practice and a high level of political domination conspire to keep able people from doing good work. The point of least resistance is found where politics impinges on the management of these schools. Once successful in keeping politics at bay while the institutions are run for the reformation of the inmates, we shall have little difficulty in discover-

ing well-trained people who now seek opportunities for satisfying and creative service.

It should be possible in our reformatory institutions to make such provisions for the impact of well-trained and devoted personnel on the inmate population as has been described at Borstal. Surely with all the pioneering we have done in psychiatric case work outside of institutions, and all that Borstal has to teach us, we may make a significant advance in American reformatory method and crown with achievement our years of expert research and fine pronouncements.

A New Outlook

With a group of institutions of varying degrees of security, staffed with men of professional training and experience, it remains to introduce into the reformatory program such a variety of occupational and recreational choices as will encourage the lazy, the disillusioned and the cynical to a new appreciation of what they have to offer to the world, and what the world has to proffer in return. Active hours of work, play and study should bring to the reformatory inmate who now has all too much time to brood in idleness, a new understanding of his capacities other than aptitudes for criminal behavior.

We have been discussing the role of the institution in conferences like this one for some decades but our reformatory institutions still fail to differentiate themselves from the prison for adult offenders in any essential fashion. In our huge reformatories a depersonalization of the offender is all too evident. This is the inevitable result of large-scale handling and a clockwork regime. In a mass institution where mass methods prevail, it is almost impossible to introduce any element of personal interest on the part of the staff toward individual inmates without having the latter look askance at such overtures.

Where no prisoner may be treated differently from his fellows it is obviously impossible to introduce a program of individual interviews without arousing more than a suspicion of discriminatory dealing.

In the mind of the public no less than in the mind of the institutional administrators, the exact function of the reformatory is not clear. Does it serve primarily to punish? To quarantine? To return a profit to the state? To break the spirit of the offender? Must we so fix him in the attitudes which brought him to the reformatory that he will be almost certain to return to it again and again and again? Or do we recognize that in the reformation of the young offender we are protecting him from his past and assuring him—and society as well—that he will leave the institution an asset and not a liability? The choice is ours to make.

We have been told times without number that the older teens are the really dangerous years in the formation of criminal careers. Young men committed to reformatories require a period of training which will turn them out valuable members of society and not candidates for post-graduate training at the penitentiary. Prior to and succeeding the last war the Borstal system developed into an effective method for the reclamation of youthful offenders. No one can tell how long it may be before that system will again be reconstituted. Meanwhile we have every necessity, every compelling reason, to adopt here the best in their experience, so that all that they have done may not be lost—lost that is, except in the pages of books and in the conference discussions of professional workers.

V PROBATION AND PAROLE CASE WORK



The Function of Probation

NATHANIEL CANTOR

*Department of Sociology and Anthropology,
University of Buffalo*

What on earth would a man do with himself if something did not stand in his way?—H. G. Wells

DURING the past fifteen years probation service has developed to the point where it is generally recognized as a valid area of social case work. The next step, it seems to me, should be a clarification of the function of probation. Every area of social service work is at present undergoing a critical examination by its own professional members of the nature of the service it offers. Thus far there has been no careful examination of the function of probation in light of recent developments in the field of general social case work.

The issues raised in this paper may arouse a great deal of feeling since our loyalties to certain practices which are questioned are involved. It is not to be expected at the present time that all of us will agree on what the function of probation is or should be. Throughout the country probation practice is so diversified in form, content and administration that we cannot now hope to reach an agreement on what its precise function is. What is needed is an analysis of different points of view. This should be welcomed so that comparisons can be made. We shall then be in a position to explore the directions in which further development should take place. It is

in this spirit that the point of view of one group of case workers is presented.

The function of parole should also be clarified. Probation alone is dealt with here since it seems to me the fundamental psychology of the probationer and the parolee is different. It is a mistake to believe that untrained people can engage in probation case work without professional equipment. It requires as intensive training as any other profession. However, probation officers professionally trained or not ought to know what they are supposed to do. It is hoped that this discussion will help in clarifying what the probation officer's function is.

The present discussion, it should be emphasized, is limited to a consideration of the function of probation. There are many other related problems not dealt with. The selection and training of officers, the form of administration, case load, budget, supervision and so on are all important. They are omitted so as to sharply focus attention on the basic problem of the function of probation. Practical considerations often limit the effectiveness of the probation function. Such considerations, however, are irrelevant in judging whether the position taken here is psychologically sound, representing refined case work practice.

Function and Process in Social Case Work

One of the most obvious facts in life is that none of us can act as we please all of the time. We have to learn to accept limitations. Man lives in a world against which or with which he must fight. From birth until death he seeks adjustment, finds momentary balance, and is again in conflict.

There are many kinds of limitations which hamper man's growth and creativity. There are obstacles of time and space, limitations in talent or opportunity. We have

to accept the organism we possess and the world in which it strives. In order to adjust to conflict we must take into account what can't be helped, whether it is within ourselves or in the world about us. By accepting the given, we have a basis upon which to build or create. By submitting to the inevitable we husband our strength to create the desirable or possible.

Adjustment is adjustment *to* something. Development is development *of* something. We do not live in a vacuum. Adjustment and development require a framework of reference. Part of that framework consists of limitations within ourselves and obstacles about us. It is at our peril or destruction that we ignore them. In brief, certain given factors are present in everyone's life which must be taken into account if anything is to be changed.

What is true of human existence generally is also true of the social case work process. What distinguishes social case work from other types of human relations is the particular kind of limitations set up by the social case work agency. What the client and worker do, the direction in which movement takes place, will be limited by the particular function of the agency interpreted through the skill and knowledge of the worker. That is the given, the stable, the known factor. Whatever the client wants to do and whatever the worker may do must take place within an area which defines the particular service the agency has been established to give. Indeed, were this not so, social case work would remain a glorified, chaotic *kaffeeklatsch* in which there would be neither form nor direction. The worker would otherwise be ready to offer "help" in any direction and the client would never discover what he really wants nor how to go about getting it. This would have to be so because the client would not know what the worker really stood for, and hence could not be helped to discover his own real need.

If the professionally trained worker knows what he is supposed to stand for, that is, what particular service his agency provides, then he is protected against the demands of the client. He knows the limits within which he can help. The client, lost in his confusion and conflict, will turn in any or every direction unless the path which he must travel if he wants to find his way is marked out by the worker. Then only can he discover and decide if he wants to be helped in that particular way.

No worker can in advance determine the real need of the client. Indeed the client himself most often does not know initially just what he is after. If the worker isn't aware of his specific role both he and the client will be lost in aimless discussion without focus or direction. There will be nothing definite which the client must struggle with or against.

The function of the worker, the distinct and specific kind of service offered, defines the limits within which the client's problem is to be dealt with both by worker and client. The client may rehash his past activity or rationalize his present problem. He will try everything to avoid facing and accepting the limitations set up by the worker. The client may plead or protest and try to place the responsibility for his decisions upon the worker. He may refuse to accept the limited help offered by the worker and insist that other service be offered. The worker, by remaining firm and loyal to his function, throws the responsibility back to the client who must either submit to or reject the specific conditions under which the agency will help. The client must learn to accept limitations in living. Here in the social case work process, a sample of the limits one must accept in life, is the opportunity to learn that lesson if the client wants to. It means the client must learn to be responsible for himself, that he must do something about *his* problem.

The case worker represents a particular kind of help and the client presents a particular kind of problem. These two limits give purpose and meaning to the activity of the client and worker. Throughout the case work process, whatever takes place occurs within these boundaries.

This concept of a limited function of a social service agency is being accepted by an increasing number of private agencies. The case worker in a particular agency learns to work within a given, fairly well-defined area of service. Thus the family welfare society worker deals with the basic question of whether a family should be broken up or not, or what kind of aid should be given to help solve a particular family problem which the husband or wife brings to the agency. If the problem turns out to be one of an incorrigible child it is referred to a child guidance clinic. The latter agency specializes in such problems. If the problem is one of child placement it is referred to a child placing agency whose workers have developed knowledge and skill in that direction. (This does not mean that the particular service an agency offers is rigidly determined in advance. In practice it is not always easy to decide whether any particular case should be handled by one agency or referred to another. Whether mistakes are made depends in part upon skill in diagnosis on the part of the worker during the application interview.)

In each of the several social agencies there is a distinct service which concerns itself with helping clients to face what they want to do about a particular real, objective difficulty. In a therapeutic relation, on the other hand, there is an internal fundamental personality problem, and adjustment to an objective reality situation is not the need the client brings to the therapist. He himself is the problem. He comes to the therapist to be

straightened out as a person. He uses the therapist not in a limited way but to obtain whatever he can. In a therapeutic relationship the patient is offered a deeper experience of himself, if he is willing to risk exposing himself. The client can talk and feel any way he pleases about any kind of personal problem. In this situation the therapist is not protected by a limited function set up by an agency. His limits are as wide as his skill and the problems of the client. The responsibility for what he does must be assumed by him and not by any agency.

Case Work, Generic and Specific

Thus far we have discussed the concept of limited function as it applies to all forms of social case work. It may make the matter clearer if, before the implications on function for probation work are indicated, the essential character of social case work is described.

Social case work consists of "—those processes involved in giving service, financial assistance or personal counsel to individuals by representatives of social agencies according to policies established, and with consideration of individual needs."¹ Its goal is to assist the individual in overcoming some kind of obstacle so that he may become better adjusted to or in the particular situation which troubles him. While individuals differ in the kinds of problems they present to the case worker and while the agencies differ in the kinds of services they offer, the process or method used by the worker will in all cases have the following common elements: 1) the worker will have an understanding of the dynamics of human behavior in its individual and social aspects; 2) the worker will be concerned with understanding and not judging the individual; 3) he will keep at the center of the process the importance of the client's feeling and

¹ Elizabeth de Schweinitz in *Survey* February 1939, p. 35-39

thinking and not his own; 4) the worker will recognize that constructive effort must come from the positive or active forces within the individual client; 5) he will, if professionally trained, clearly recognize that he can offer only the kind of help offered by his agency; 6) in most cases the individual client voluntarily seeks help. (In medical social work and in child placing, exceptions to this are found. In probation and parole the voluntary seeking for help is, of course, the exception.) Supervision, that is to say, is imposed by some public authority. Subsequently, however, many offenders on probation or parole do voluntarily seek out the officer for help and guidance.

These elements will be present in all types of case work. The way in which they are applied, however, will vary in light of the particular problem brought to a specific agency. Case work rests upon common elements but it becomes differentiated in terms of the particular function it is set up to administer. The term generic case work has been used to designate the common elements and the term specific case work to indicate any one particular area or function as it affects particular individuals with specific needs.

In certain respects probation practice shares elements in common with generic case work. Offenders on probation are individuals in a professional relationship with other individuals. Their conduct will be consistent with the general dynamics of human behavior. The officer as a social worker can try to understand the way the offender feels and thinks and refrain from judging him. (For the past twenty-five years *private* social agencies have been aware that people in need have personal feelings. It is not generally recognized that this is also true in public relief administration. There is a distinct psychology of both giving and receiving relief which has

been little explored. Do probation and parole officers recognize the particular psychology of those on probation or parole?)

The officer can recognize that no effective change can take place unless it truly comes from the offender's own efforts. Finally, if the probation worker understands his specific function and the particular psychology of offenders in the probation relationship, both he and the client will be able to work within a relatively stable framework. The worker will know what he can offer and what he cannot do. The offender will know what he can get and what he may not do. There will be a focus about which movement in a definite direction can occur.

Function and Process in Probation

Our next step in this discussion is to indicate the specific character of probation practice as a form of social case work. Its specific character will best be described by trying to clarify what the function of probation is. If the above discussion on the concept of function and process in case work were wholeheartedly accepted by probation administrators and officers there would be a rather complete transformation in probation practice throughout the country.

What precisely are probation agencies trying to do? As good an answer as any is found in two of the most recent evaluations of probation work.

"The probation system, when properly administered, performs a dual function. It rehabilitates the individual and by reclaiming him from the criminal class in which he has placed himself by his criminal act, protects society.

"The division of supervision of this department assumes this responsibility through two approaches. The first is legalistic and entails strict oversight of the probationer's activities insofar as they relate to the com-

munity's safety through his avoidance of further delinquent behavior. This involves reporting, checking home conditions, verification of employment, investigation into habits and associates, and returning to the court those who by their conduct and refusal to participate in plans for their rehabilitation, indicate that they are potentially criminalistic.

"The second approach is through the application of social case work principles and techniques for the adjustment of the individual within himself, his relation to those groups which are primary, and to society as a whole. This approach is evolved through individualized treatment processes aimed at adjustment and rehabilitation. The objective which is the underlying principle in all treatment plans in this division, is the development of resources within the individual which will stand him in good stead in time of stress and temptation, and which will help him to effect a permanent rehabilitation."¹

"Adequate probation supervision must deal with all phases of the offender's life, including his family and the community in which he lives. The physical and mental health, capacities, and limitations of the offender; his home and family; his leisure time activities; his religious life; his education, vocational training; economic status and industrial habits, as well as his capacity for discipline and self-control must all be considered by those who are attempting to remold him into a worthwhile citizen."²

On page 259 of this survey we read, "Probation conditions are imposed *primarily* [italics mine] to furnish a means of controlling the offender's conduct during the period he remains in probationary custody." But on

¹ Irving W. Halpern *A Decade of Probation* Court of General Sessions, New York, 1938, p. 74

² *Attorney General's Survey of Release Procedures* Vol. II Probation, U. S. Department of Justice, 1939, p. 319

page 276 the survey quotes with approval the statement of Edwin J. Cooley, "Probation in its final analysis represents society's faith and science's belief in the possibilities of altering and reforming human conduct."

I find this confusing. *It is not clear whether the function of probation is to make the offender a better man or a law-abiding citizen.* Is the function of probation to make people good or to see to it that they do not commit further crime? Essentially it seems to me that the fundamental purpose of probation is to assure society that the probationer *will not commit further crime.* In support of this is the fact that the majority of states have vested power in the court to fix the terms and basic conditions of probation. In only a few states has the probation officer the right to determine the conditions of probation. The chief probation officer of the Court of General Sessions of New York City writes:¹ "It (probation) remains a judiciary function because the court always is in control of the probationer and acts through the probation officer, who is the agent of the court."

Furthermore, in a majority of states the conditions of probation are chiefly of a pecuniary nature relating to such matters as restitution, fines, bonds, costs, and support and involve merely obtaining money payments of one kind or another. It is only in a minority of jurisdictions that conditions relating to the conduct of the probationer are imposed and then they are concerned chiefly with the probationer's duty to report to the officer, remain within the jurisdiction, keep away from intoxicants and evil associates, and go to bed at a prescribed hour.

The lack of attention given to the function of probation is reflected in the fact that there has been less of analysis, criticism, and comment on the conditions of probation than on any other aspect of probation work.

¹ Irving W. Halpern *A Decade of Probation* Court of General Sessions, New York, 1938, p. 33

As we become clear about its function the conditions prescribed may be modified.

If I understand the thinking of the Court of General Sessions' probation department it seems that the legalistic function has little to do with case work. Social case work principles are applied so that the offender will be helped "to affect a permanent rehabilitation."

I do not believe that any probation department can effect permanent rehabilitation for anyone. I am not sure that I know what permanent rehabilitation means unless it means remaining law-abiding (whether permanently or not is another matter). If it means the latter we are back to the essential function of probation, namely, to see to it that the probationer remains law-abiding.

The failure to make the vital distinction between a general therapeutic and a limited social service relationship accounts for the basic confusion in probation service. A careful reading of the literature and case histories reveals that the workers shift around, sometimes trying to deal with the psychological difficulties of the offender's personality, sometimes trying to deal with many different kinds of environmental difficulties, and sometimes both. In either case *the focus of operation is on the offender. He is the center of attention.* The worker is concerned with defining the need of the offender. That is an impossible task.

(I have recently carefully read "A Report on the Development of Penological Treatment at Norfolk Prison Colony in Massachusetts" published by the Bureau of Social Hygiene. This report covers the six years of Howard Gill's administration. As is well known, a courageous attempt was made to individualize treatment in this form of case work. Neither inmates nor staff were satisfied. The fundamental trouble, it seems to me,—

and to the reporters who were members of the staff—was the failure to understand the function of that particular case work organization.)

The point of view here maintained is that the offender's real needs cannot be known by the worker. The offender's self, as that of the probation officer, is a dynamic, ever changing one. The worker can never accurately know in advance what the client's needs are going to be, nor whether one in need is going to accept help and in what degree. That is unpredictable. The only thing which is definite is knowledge of the particular service which the agency offers. That function, which defines the worker's responsibility to the client, should be the focus of operation. The officer's responsibility is not for the offender's personal development, but for carrying out the service his agency has set up.

If the officer carries out his function as a case worker the possibility of personal development is established since a new, unique experience for the offender is made possible. Change and growth, certain therapeutic effects, become by-products of the exercise of the function. No layman can do this. It requires the finest skill. That function is the element alone over which the worker can exercise conscious control. He can't have accurate knowledge of anything else in the process between himself and the offender.

A careful analysis will show, I think, that the function of the officer is to be a psychological policeman. (Let no reader make the mistake of reading into the phrase "psychological policeman" anything connected with the attitude of a "copper.") He is entrusted with the task of watching to see that the client "proves" himself. The probation officer's function is literally defined by his very title. The word probation is derived from the Latin word *probatio* which means examination. The offender

is to be examined on his living up to the conditions of probation so that the community will be protected against his possible future criminal conduct.

It is as if the probation officer said, "My job is to see to it that you do not violate the conditions of probation. Such and such are the conditions. If you violate them that will be your responsibility. I shall be compelled by the responsibility entrusted to me by the state to return you to the court." This statement, of course, does not represent the opening speech of the probation officer at the first interview. It reflects the essential attitude behind everything the officer says or does.

Such attitude is not manifested by the majority of probation officers. They either cajole, coerce, find jobs, give relief, collect money, provide medical attention, advise on family affairs, sermonize, or sympathize. The officer who takes upon himself the responsibility of directing all sorts of activities of the offender is robbing him of the possibility of growth. To discuss the administration of the various services now offered by probation departments would require a good sized monograph. Attention is merely directed to the confusion reflected in the effort of a single department to combine almost every conceivable type of social service. The individual worker is expected to function in a dozen different directions. The net result must often be that neither the worker nor the offender is clear about what is taking place. There is little, if any, direction.

Suppose a situation wherein the offender feels that his salvation lies in having the worker come to live with his family, even marrying his sister. The worker would consider this absurd, and rightly so. Why is this more absurd than for the worker to watch his client's health, his wife, his friends, his work, his budget? Such problems may indeed have a bearing upon his "rehabilita-

tion." The officer may concern himself with these problems but *only insofar as they relate to living up to the specific conditions of probation*. They cannot be the direct concern of the probation officer whose primary function is to see that none of the conditions of the probation is violated. *Specific help in these other matters can be obtained through referrals to other community agencies set up to function in the particular services required*. A probation department which tries to serve as a health clinic, collection agency, vocational training bureau, family welfare society, employment agency, and legal aid society can no more function efficiently than can a psychiatrist who spends his time and effort in delivering groceries to his patient's home, preparing the dinner, washing the dishes, and acting as governess to the children. The offender is not provided with a definite direction toward which he can move, or with a definite limited obstacle which he can strive to overcome. Growth comes only through struggling with or against opposing forces. The opposing forces can be within oneself or represented by another person. The need for and inevitability of conflict are at the root of all growth. But the constructive and creative forces of each of us, offender and nonoffender, are brought into play only when some definite thing or some definite person or some definite situation presents an obstacle against which we are compelled to throw ourselves, and with which we are involved. Thus an attempt to overcome several or many difficulties at the same time results in aimless confusion and anxiety. We get lost in mere movement and cannot discover what we ourselves want nor what is required of us.

The officer, in refusing to stand for any other role than of one who will see to it that the offender "proves" himself, defines for the offender the limits within which he must move, the direction in which he must go. In this

limited struggle the offender has an opportunity to determine for himself what he wants to do, if anything, about the situation for which he is responsible. If this is not done the offender will remain confused about what is expected of him. No matter how the offender struggles, whether he uses trickery, flattery, rationalizations, complaints, tears, or laughter, he cannot get around the skilful worker who, sure of his function, remains rooted in it. Sooner or later the offender will have to accept the function of the worker. In the struggle of wills between himself and the worker he will learn that he cannot dominate the worker and have things his way. He will be given a chance to discover what he wants and be made more or less aware of what he can and cannot do about being on probation. He must bend the knee or suffer the consequences. That, he will come to realize, is up to him. Then only is the opportunity for genuine growth present.

This realization will not come, as a rule, in one or two interviews. It is crystallized over a period of time during which the offender is led by the worker to accept responsibility for his own conduct. The worker, fortified by a knowledge of personality development and the professional skills he has acquired, reacts to the recriminations and flatteries of the offender neither by exploding nor excusing but by accepting the differences of the offender exactly as they are expressed. The worker wants to give the probationer the chance to be himself, to express his differences, to utter his complaints and damnations, or to sing praises.

The client is at first puzzled at not meeting with the expected response of praise or blame. That's not what he expected. He was prepared to be told that he should try to reform and go straight, that the officer will stop him if he continues in his evil ways. Instead he is told

that he is free to do exactly as he pleases but must be prepared to assume full responsibility for his actions. He finds he can't pull the worker's leg nor pull wool over his eyes. Not being blamed, his hostilities are softened. Not being praised, his respect for the officer increases. *Not having to fight against another he starts struggling with himself.* Is this not true of all self-development?

The Personality of the Probation Officer

The probation officer, it has been stated, must be fortified by a knowledge of personality development and professional skill. Where is that to be obtained? Books can help some, schools of social work and other people can help a great deal. A willingness to be decently honest with oneself at the cost of temporarily lowered self-esteem can help most of all. Without emotional maturity skilled probation case work cannot take place.

Most of us live through childhood, adolescence, and adult experience without realizing what little guidance we receive or give. In our relationship with our parents, sisters, brothers, friends, teachers, and later with husband or wife and children, we exploit and are exploited by each other. We use each other in order to dominate or to befriend. Rarely are we ready to stand by and permit ourselves to be used by the other person in precisely the way *that* person wants to be helped. We are taken advantage of in order to satisfy our tensions and anxieties. We are afraid of the new, hidden, and powerful forces of creation which threaten our own established habits and the conventions of society. The positive creative forces of individuals which express their differences from those about them must be channelized into the encrusted bed of tradition. We fluctuate between attitudes of blame and praise in our intimate contacts with each other where emotional ties are strong-

est. We have to preserve whatever we have at stake and maintain our self-regard or the respect of others. Hence we shuttle between dominating and excusing or yielding to others. We wish to control or want to be loved. Rarely in these deep contacts does one stand aside and accept others just as they are. We are driven to create in our own image. It is shocking and amazing to realize how rarely a child or adult is permitted an effective margin of genuine self-determination. It is difficult wholeheartedly and unaffectedly to accept those who differ from us.

Probation and parole officers no less than judges, juries, teachers, husbands and wives, parents and children (and psychiatrists!) share these inevitable needs to dominate or to be well thought of, to be approved of. There aren't many individuals willing to assume the responsibility of genuine self-discipline so that they become relatively immune to the judgments of others and willing to let others think, feel and act in ways relatively different from their own. Such inner steel strength is acquired only through painful self-discipline and professional training.

Psychology of the Probationer

Offenders like the rest of us have been exposed to emotional exploitation by others and in turn have used others for the release of their own pressing tensions. Their experiences with the agencies of criminal justice have engendered deep-seated hostilities, guilt, anxieties and fears, most of which are denied and rationalized. They can't accept themselves as they really are. The responsibility for their lot is shifted to others. The evidence at hand, although not conclusive, indicates that a large number of offenders have been exposed to more than average dominance and have received less than average

affection and been given less chance for self-determination in their intimate contacts than most of us who have not gotten into a tangle with the criminal law. It does not follow of course that all overrejected or overprotected youngsters (or those who suffered from unusual illness or an impoverished home or any other social ill) will become criminally minded. No one knows the differential factors which permit these sufficient conditions to lead in some instances to criminal careers, and in others to socially acceptable lives.

Anyone who has experience with offenders knows that most of them are not eager to rush to the office of the probation department to plead for help. The court *demands* that the offender agree to specific stipulations as prerequisites for the granting of probation. Private and noncorrectional public social service agencies also impose certain restrictions refusal of which may prevent the client from obtaining assistance. He can take it or leave it as he chooses. Obviously the offender has not this choice. He must either accept the conditions or be sentenced to imprisonment in lieu of probation. The state maintains control whether the client accepts or rejects the conditions. The case is not closed; it is locked up.

Without an appreciation of the bitter negative attitudes shared by most offenders upon entering supervision the probation officer will fail fundamentally to help the client. If nevertheless many offenders manage to keep out of trouble it may not be because of anything the officer has contributed. A suspended sentence would perhaps have accomplished this equally well.

For example, suppose a probationer remarks to his officer at the close of an interview, "Yeah, you're right. If I don't go straight you've got to pinch me. I can't blame you. But, by God, I'm through forever. Take my word for it. I've had my bellyful!" The average pro-

bation officer might reply to this, "That's the spirit. I know you'll make good if you want to and I'll do anything I can to help you," or, "O. K. but you listen to me. The first crack you make, to the can you go and I don't mean maybe."

The skilled worker would reply differently. "I represent the judge. He has asked me to help you. You are expected to come in to visit me every week. I don't suppose you will like that but that's the way it is and I can't do anything about it. I suppose you want to stay out of trouble. That's the way you feel now. I wonder how you'll feel the next time we meet."

The officer will be aware of the conflict in the probationer. He will realize that probation represents a fearful, threatening experience; that the offender in fear will fight against assuming an obligation set up for him by another; that he will try to meet the opposition of the officer either by enlisting sympathy through self-abasement or acquiescence, or by a tough indifferent front, or by talking about his early relationships, his family, his surroundings, his lack of opportunity. This is all by way of evading or avoiding responsibility for what he can now do. The officer permitting himself to be caught in this will play into the hands of the offender who seeks to avoid responsibility and tries to place it elsewhere where nothing can be done about it—except to talk.

Almost every offender is socially minded. Somewhere deeply hidden and defended is his recognition that society has the right to hold him responsible for his behavior. Often the delinquency itself reflects the rationalized and defensive recognition of this obligation to others, that is, a denial of his obligation. The skilful officer accepts the offender as he is but also aids him in accepting his social responsibility, the role that authority (society) rightly plays in one's life. He tries to help the

man find a better balance between the need for independence and the need for submission.

Use of Authority

The use of authority is not to be discounted in the probation process. In some cases an offender will have to experience the consequences of misconduct before a meaningful relation with the probation officer can occur. Authority can be a useful tool when the offender seeks to exploit the worker. In other situations authority can be exercised when the offender has little or no guilt about his behavior. It is the manner in which authority is exercised which is important. If the offender feels he is accepted by the worker he is not likely to be damaged through the exercise of authority. The officer will understand that the offender must be helped to face himself—perhaps for the first time in his experience. This experience is difficult for those of us who have the support of family and friends and our own self-esteem. How much more difficult must it be for those who have not received approval, who feel inferior. Paradoxically enough we demand greater effort at adjustment from probationers, those weaker than ourselves, than we ourselves are willing to exercise. This is no criticism of probation. It is a description of the situation as it exists. The skilled officer neither rejoices nor threatens. He refuses to judge the client. He is standing aside, so to speak, and throwing the responsibility back to the probationer. He is giving him something to think about. He has challenged the probationer's own strength. The offender may reach the point of realizing that what the officer is saying to him is *what he himself believes*. If he acquires confidence in his ability to do something for himself he will not rely upon others nor ask that society be changed on his account.

It is a rare experience which very few individuals have to be in relationship with another and dare to be just as one thinks and feels. There is no need at such time to call upon a bagful of ego-preserving mechanisms. The feeling of being accepted with all our peculiarities and differences is tremendously releasing. Being thus helped to recognize oneself clears the way for changing oneself. We struggle with ourselves only when we haven't the need to fight against others. We gain understanding not by giving but by receiving blows—from ourselves.

The probation officer represents in outer reality the negativisms, the hostility and the resentment of the offender toward society. He symbolizes the negative side of the offender. The client can unload upon him the poison seeping through his system. The officer accepts this but at the same time holds the man to his responsibility, that of meeting the conditions of probation. *Against that reality the offender must struggle until he realizes that it is himself he must overcome.*

The probation worker defines the focus around which and the limits within which the struggle takes place. It is the limitation within which the offender finds himself, which disciplines him if he has the capacity and desire to develop. Thus only can he accept for himself a willingness to become sincerely law-abiding. The probation officer defines the situation and sets the conditions. That is *his* function. What the offender wants to do about it is *his* responsibility.



Discussion

VICTOR H. EVJEN

*Assistant Chief of Probation, U. S. Courts,
Washington, D. C.*

THROUGHOUT the entire discussion Professor Cantor has suggested that we as probation workers should set up the "particular kind of limitations" within which we are able to render service. Throughout the paper are sprinkled such phrases as:

kind of limitations
the direction in which movement takes place
within the area which defines the particular service
he knows the limits within which he can help
the path he must travel
defines the limits within which the client's problem
is to be dealt
whatever takes place within these boundaries
fairly well defined area of service
protected by a limited function set up by an agency
there will be a focus about which movement in a definite
direction can occur
knowledge of his particular service
limits within which he must move
the direction in which he must go
defines the focus around which and the limits within
which the struggle takes place
it is the limitation within which the offender finds himself

In other words we must define the function of probation. If we know the limits within which we can help the probationer, then the probation officer, according to Mr. Cantor, is protected against the demands of the probationer. If both the probationer and the probation officer travel the same path and in the same direction, the probationer is less apt to be in conflict and confusion. The

direction in which movement takes place Mr. Cantor refers to as the "given, the stable, the known factor." Let's keep his suggestion in mind for a while until we see how he constructs these boundaries or limitations which he states are defined by the "function of probation—the distinct and specific kind of service offered."

What he says about the possible ways in which a probationer may react to the probation officer seems, I should say, to be psychologically sound and meets with general acceptance. It is in fact a cardinal principle in case work, and probation case work too, that the client must learn to be responsible for himself insofar as his capacities permit, and should not be too dependent upon his case worker; also, that an indulgent and oversolicitous case worker can do more harm than good.

As a starting point for his discussion of the function of probation Mr. Cantor comments on three paragraphs from *A Decade of Probation*.¹ "If I understand the thinking of the Court of General Sessions . . . it seems that the legalistic function has little to do with case work." I wonder whether Mr. Halpern intended that the legal and case work functions be separate and apart from each other. I am inclined to believe that he regards them as being closely interrelated just as the functions of the medical profession are both preventive and curative. I am not inclined to believe that the legalistic function of probation is necessarily confined to "oversight of the probationer's activities insofar as they relate to the community's safety through his avoidance of further delinquent behavior." I am no legal expert but I believe that the intent of the probation law gives the probation officer wide latitude in helping the offender. The law does not say that he must use case work principles and techniques,

¹ Irving W. Halpern *A Decade of Probation* Court of General Sessions, New York, 1938

nor that he cannot use these techniques. It is up to the probation officer whether he wants to use "ordering and forbidding" techniques or accepted case work methods.

May I refer to the citations from Chief Justice Taft and Chief Justice Hughes in reviewing the purposes of the Federal Probation Act.

Mr. Taft:¹ "The great desideratum was the giving to young and new offenders of law the chance to reform and to escape the contaminating influence of association with hardened or veteran criminals in the beginning of imprisonment. . . . Probation is the attempted saving of a man who has taken one wrong step and whom the judge thinks to be a brand who can be plucked from the burning at the time of the imposition of the sentence."

Mr. Hughes:² "The Federal Probation Act confers an authority commensurate with its object. It was designed to provide a period of grace in order to aid the rehabilitation of a penitent offender; to take advantage of an opportunity for reformation which actual service of the suspended sentence might make less probable. . . . It is necessary to individualize each case, to give that careful, humane and comprehensive consideration to the particular situation of each offender which would be possible only in the exercise of a broad discretion."

Certainly these expressions do not support Mr. Cantor's contention that the fundamental purpose of probation is "to assure society that the probationer will not commit further crime." There is no reason whatsoever why the probation officer cannot utilize every case work skill and every resource at his command to "aid the rehabilitation of a penitent offender."

Professor Cantor calls Mr. Halpern to task on his statement that probation proposes to help the probationer

¹ *United States v. Murray*, 275 U. S. 347

² *Burns v. United States*, 287 U. S. 216

to "effect a permanent rehabilitation." I agree that it is almost impossible to do this. I am certain that Mr. Halpern no more expects permanent rehabilitation on the part of the probationer than medical science can guarantee the permanent recovery of an individual. What Mr. Halpern means is that we shall try to make as permanent as possible the offender's change of attitude.

The question may come up at this point: "What does the probation officer do when he is unable to remove or relieve the social, physical, or emotional handicaps which resulted in delinquent conduct?" This situation is analogous to that of the patient who has poor vision, is perhaps almost blind. The oculist will prescribe lenses which will give the man satisfactory vision. The doctor has not cured the patient of his visual defect, but has enabled him to see in spite of his handicap. When it is impossible for us as probation officers to relieve our probationers from social, physical, or emotional handicaps, we attempt to help them to live within these disabilities through social compensations and a better insight into their own problems.

Professor Cantor quotes from the *Attorney General's Survey of Release Procedures*: "Probation conditions are imposed primarily to furnish a means of controlling the offender's conduct during the period he remains in probationary custody." He also refers to a quotation from Edwin J. Cooley: "Probation in its final analysis represents society's faith and science's belief in the possibilities of altering and reforming human conduct."

Mr. Cantor finds these two statements conflicting. From the first quotation he gathers that the function of probation is to *make the offender a law-abiding citizen*, and in Cooley's statement he interprets the function of probation to be *making the offender a better man*. He asks which of the two is the function of probation—as

though the function had to be one or the other. Is not a law-abiding citizen apt to be a better man, and conversely isn't a better man apt to be a more law-abiding citizen? Is not the man to be judged by the conduct and mores of the community which makes the laws? Does Professor Cantor believe that it is impossible to assist the offender in becoming a law-abiding citizen, and at the same time aid him in becoming a better man?

Professor Cantor makes the statement that "in no single state has the probation officer the right to determine the conditions of probation." This statement is correct but incomplete. Mr. Cantor apparently has overlooked the fact that in many courts the only condition entered by the judge is the length of the period of probation. In many jurisdictions the conditions of probation are set up by the probation officer without even consulting the court. The conditions may not be written in the formal court order, but just the same they are conditions of probation. If a court has competent probation officers it would seem unnecessary to enter on the order an array of conditions which shall govern the probationer's conduct and direct his course while on probation. Why shouldn't a competent probation officer have full authority to determine with the probationer—*not for him*—what restrictions are to govern his conduct? Would it not be psychologically more sound to permit the probationer to *share* in working out the treatment program instead of having it marked out for him with the inference: you either do this or else! Personally I am in favor of having as few conditions of probation as possible entered in the formal court order.

Now, let's return to the discussion of the concept of limited function. Some of us speak of this concept as the "division of field"; that is, certain agencies are established or designated to accept certain types of problems,

and are especially equipped to satisfy the basic needs and wants of these distinct problem types.

Mr. Cantor did call our attention to the attempts on the part of some probation officers to serve in areas in which other agencies are better equipped to give counsel and service. One of the functions of the probation officer as I see it is to determine as best he can what are the wants and needs of the probationer, and then enlist all available social forces and all community agencies who are better equipped than the probation officer to handle specific problems, to dovetail their efforts in finding a solution.

Mr. Cantor referred to the basic confusion in probation service, resulting from our failure to distinguish between a "general therapeutic relationship" and a "limited social service relationship." I can't say that I have any clear conception as to what Mr. Cantor thinks is the "limited social service relationship" of the probation officer. In the early part of his paper he said that in any situation in which the therapist is not protected by this limited function the client can talk and feel any way he pleases about any kind of personal problem. I am wondering why the probationer should not have an opportunity to discuss those problems, whatever they may be, with the probation officer. Perhaps the area in which the probation officer is to function should not be so confined and limited.

Why is Professor Cantor so much concerned about defining the limits within which the probationer must move, and the direction in which he must go? Why should the probationer have a course so different from the rest of us? Why should he not live as normal a life as possible with a minimum of conditions or restraints imposed upon him—restraints which should be imposed only when we know definitely that they are of value in helping him to

refrain from further transgression of the law? Do we know what is expected of us as individuals in society? Why should the probationer be any more confused about the limits and course he is to follow than any other normal individual not on probation? After all, most probationers are relatively normal.

After the many years of struggle to shake off any identity with police function and police techniques, Mr. Cantor now wants us to hang up the shingle "psychological policeman"! And this in our hundredth anniversary of the beginning of probation! He reminds us that we are not to read into this moniker any associations with a "copper." The contention that we are "entrusted with the task of watching to see that the client 'proves' himself," he tries to support by referring us to the derivation of the word probation. Webster's New International Dictionary says that the definition of probation given by Mr. Cantor—namely, "to examine," "to prove," is *now rare*. The *legal definition* of probation given is: "The method of treating a delinquent convicted of an offense, whereby he is not imprisoned but is released on a suspended sentence under supervision and upon specified conditions." We might apply this line of reasoning to the meaning of hippopotamus. (hippos-horse; and potomás-river—or "river horse.") We might conclude from the derivation of this word that the hippopotamus is a horse even though we all know it is a member of the swine family! Let's interpret probation functionally, not by its etymology.

In the early part of his paper Mr. Cantor said: "No worker can, in advance, determine the real need of the client. Indeed, the client himself most often does not know initially just what he is after."

He later states that "the offender's real needs cannot be known by the worker" because "the offender's self, as

that of the probation officer, is a dynamic, ever changing one. One can never know in advance what one's needs are going to be, nor whether one in need is going to accept help and in what degree. That is unpredictable."

I cannot quite understand why the offender cannot know what some of his actual needs are. Certainly many of these wants are on a conscious level. He knows to some extent what are his interests, likes and dislikes, his aspirations, his hopes, his desires; he may not know the conditioning or motivating factors which underlie them. He may have anxieties and feelings of inadequacy and insecurity which he wishes to overcome; he may desire prestige and status; he may have a strong sense of guilt; he may want to escape from relatively unpleasant situations; he may wish to unburden many of his inner yearnings and conflicts. He may have fears and obsessions of which he is aware but for which he can give no explanation. He may have been struggling to overcome a rebellious attitude or a quick-triggered temper; he may have a deep sense of inferiority; he may want to be more at ease with his associates; he may have a strong desire to be loved. Certainly any one or any combination of these emotional disturbances may be sufficiently disorganizing to lead an individual into conflict with society. If we cannot determine the more outstanding physical, social, recreational, spiritual, and emotional needs of an offender, then the outlook for probation is hopeless. But the picture is not so dark as this.

If a probation officer has a limited and well-defined service to offer, how can he know what phase of his service to render the probationer if he cannot discover the probationer's needs? What does Mr. Cantor think is the specific area and single direction in which probation officers must function? What qualifications are essential to give this specific service?

He says that the officer's responsibility is not for the offender's *personal development*. Certainly the services rendered by the probation officer should contribute to the personal development of the probationer. Does he think that the probation officer has nothing to do with giving his probationer insight into his own personal needs and his adjustment to his family, community, and society in general, and in assisting him in finding socially acceptable solutions for these fundamental needs?

To quote again: "The primary function is to see that none of the conditions of the probation are violated." If this is the *primary* function of probation, wouldn't it be better to incarcerate all offenders so that they would not have an opportunity to violate the conditions of probation? Mr. Cantor says that the probationer must either accept the conditions of probation or be sentenced to imprisonment in lieu of probation. To what extent are conditions of probation unreasonable? And, again, what about the inflexible conditions of probation which do not appear in the formal court order, and which may be modified according to the needs of the probationer?


If "a careful analysis of the function of probation will show that the function of the officer is to be a psychological policeman," just what does Mr. Cantor expect the probation officer will actually do in carrying out this function? He apparently is not expecting the probation officer to do anything about making the probationer a "better man" because he found these two functions confusing,—in conflict with each other, if I understand him correctly.

What Professor Cantor says about the personality of the probation officer is good. I think, also, that his discussion of the psychology of the probationer is good. I believe that most of us tend to minimize the deep-seated anxieties, hostilities, fears, and sense of guilt which some

of our probationers experience in their initial relationships with us. It is true that "most of them are not eager to rush to the office of the probation department to plead for help." Are any of us too eager to seek help unless we are unable to help ourselves? Do we want to encourage the probationer to rush to the office every time he meets with a difficult situation?

But what confuses me is that Mr. Cantor himself presents what are very much like solid case work principles and gives me the impression that a general therapeutic, rather than a limited social service relationship, is the area in which the probation officer must function. To me Mr. Cantor has not clarified his position as to the function of probation.

In all of his discussion he has not touched upon one of the most significant functions of the probation officer, the preparation of the presentence investigation report which is submitted to the court to determine which offenders are good risks for probation supervision. If the probation officer does nothing more than help the court select those cases for whom probation would be regarded as serving the best interests of both the individual and society, he performs a very important function. This role of the probation officer in this selective process seems to find no place in Mr. Cantor's definition of the function of probation.



The Management of the Alcoholic Probationer

MERRILL MOORE, M. D.

Medical Director, Washingtonian Hospital, Boston

M. GENEVA GRAY

Clinical Pathologist, Washingtonian Hospital, Boston

WHEN it is realized that the case records of forty to sixty per cent of the inmates of penal institutions in the United States indicate that alcoholism is an important contributory factor in the production of crime and antisocial behavior, it becomes imperative for the probation officer to give extended consideration to the problem of alcoholism as it affects the individual probationer under his charge. Sixty-six per cent of the inmates of the Massachusetts State Prison in 1927 were alcoholics and of these, 60 per cent had been arrested for drunkenness one or more times prior to the offense for which they were imprisoned at the time of a recent study by the authors of this paper; 23 per cent were intoxicated at the time of their offense and 13 per cent committed their crimes in an alcoholic setting, a place where alcoholic liquors were being sold, dispensed or consumed.

Women offenders in Massachusetts in 1937 showed a slightly better record than did men. (They are cared for at the Massachusetts Reformatory for Women and many arrested for drunkenness are received at this institution if they are not placed in one of the county houses of correction. This is not true of men arrested for drunkenness, who are cared for in a separate insti-

tution.) Forty-seven per cent of the women were alcoholics and of these 27 per cent had been sentenced because of drunkenness. These facts are not surprising nor are they new to persons who are familiar with criminal personality and behavior. The statistical report of the Massachusetts Bureau of Labor for 1905 showed that 84 per cent of the prisoners in correctional institutions had been confined because of the effects of intemperate alcoholic habits. The United States Crime Commission in 1900 reported that 49.9 per cent of prison inmates in the United States were induced to commit crimes by alcoholism. The Baumes Crime Commission, reporting in 1929 on New York prisons, showed that 65.5 per cent of criminals under twenty-five years of age came from broken homes. Of these, 49 per cent had been destroyed by the intemperate use of alcohol and 37.9 per cent of the prisoners used liquor to excess. In Prussia, in 1880 the incidence of alcoholism among prisoners was 30 per cent and this number increased progressively until in 1909 it was 45 per cent. Among nondrinking criminals, the incidence of alcoholism in the family is high, for in 1909, 42 per cent of the inmates of Edinburgh correctional institutions had alcoholic parents. In 1909, 50 per cent of prisoners in England had alcoholic parents. In Paris in the same year, 28 per cent, in Vienna 39 per cent and in Germany 32 per cent of all prisoners serving sentence came from alcoholic homes. The 1930 report of the United States Department of Justice¹ states that alcohol is responsible for 80 per cent of the antisocial tendencies necessitating the maintenance of jails and corrective institutions.

There appears to have been a direct correlation between the amount of crime and the decrease in accessi-

¹ Bureau of Prohibition, U. S. Department of Justice *The Value of Law Observation: A Factual Monograph* Government Printing Office, Washington, D. C., 1930



The Management of the Alcoholic Probationer

MERRILL MOORE, M. D.

Medical Director, Washingtonian Hospital, Boston

M. GENEVA GRAY

Clinical Pathologist, Washingtonian Hospital, Boston

WHEN it is realized that the case records of forty to sixty per cent of the inmates of penal institutions in the United States indicate that alcoholism is an important contributory factor in the production of crime and antisocial behavior, it becomes imperative for the probation officer to give extended consideration to the problem of alcoholism as it affects the individual probationer under his charge. Sixty-six per cent of the inmates of the Massachusetts State Prison in 1927 were alcoholics and of these, 60 per cent had been arrested for drunkenness one or more times prior to the offense for which they were imprisoned at the time of a recent study by the authors of this paper; 23 per cent were intoxicated at the time of their offense and 13 per cent committed their crimes in an alcoholic setting, a place where alcoholic liquors were being sold, dispensed or consumed.

Women offenders in Massachusetts in 1937 showed a slightly better record than did men. (They are cared for at the Massachusetts Reformatory for Women and many arrested for drunkenness are received at this institution if they are not placed in one of the county houses of correction. This is not true of men arrested for drunkenness, who are cared for in a separate insti-

tution.) Forty-seven per cent of the women were alcoholics and of these 27 per cent had been sentenced because of drunkenness. These facts are not surprising nor are they new to persons who are familiar with criminal personality and behavior. The statistical report of the Massachusetts Bureau of Labor for 1905 showed that 84 per cent of the prisoners in correctional institutions had been confined because of the effects of intemperate alcoholic habits. The United States Crime Commission in 1900 reported that 49.9 per cent of prison inmates in the United States were induced to commit crimes by alcoholism. The Baumes Crime Commission, reporting in 1929 on New York prisons, showed that 65.5 per cent of criminals under twenty-five years of age came from broken homes. Of these, 49 per cent had been destroyed by the intemperate use of alcohol and 37.9 per cent of the prisoners used liquor to excess. In Prussia, in 1880 the incidence of alcoholism among prisoners was 30 per cent and this number increased progressively until in 1909 it was 45 per cent. Among nondrinking criminals, the incidence of alcoholism in the family is high, for in 1909, 42 per cent of the inmates of Edinburgh correctional institutions had alcoholic parents. In 1909, 50 per cent of prisoners in England had alcoholic parents. In Paris in the same year, 28 per cent, in Vienna 39 per cent and in Germany 32 per cent of all prisoners serving sentence came from alcoholic homes. The 1930 report of the United States Department of Justice¹ states that alcohol is responsible for 80 per cent of the antisocial tendencies necessitating the maintenance of jails and corrective institutions.

There appears to have been a direct correlation between the amount of crime and the decrease in accessi-

¹ Bureau of Prohibition, U. S. Department of Justice *The Value of Law Observation: A Factual Monograph* Government Printing Office, Washington, D. C., 1930

bility of alcohol at the beginning of prohibition, according to the data assembled by Dayton,¹ who showed that among the criminal cases brought before the lower courts of Massachusetts between 1910 and 1923, *offenses against persons* dropped from 12,231 in 1917 to 8377 in 1920 and in this year that type of offense was lower than in any of the nine preceding years. The *offenses against public order* dropped 47 per cent from 179,582 in 1917 to 94,524 in 1920. The reaction from the low figures of 1920 began with an immediate rise, but the 1917 figure was not reached or exceeded for eight years until 1927, when 184,765 cases were listed. All types of offenses dropped from 206,517 cases in 1917 to 115,334 in 1920, which year is outstanding for the few cases coming to the courts of Massachusetts. The male prisoners in penal institutions at the end of the years from 1910 to 1933 decreased 54 per cent, or from 4555 in 1917 to 2084 in 1920. The 1917 figure was not equalled until 1925 and became higher after that year. The female prisoners in penal institutions decreased 60 per cent, or from 684 in 1917 to 268 in 1920. The numbers rose slowly after that time but never reached the 1917 figure. From 1929 onward (during depression years) they decreased again.

The Alcoholic Personality

Every prisoner is a possible parolee or probationer and when released from a correctional institution is usually little better prepared to make an adjustment to society than before sentence. If he is a first offender there will be added to the maladjustment which precipitated his criminal behavior, the distrust and fear of persons who previously accepted him, if only on a casual level. For

¹ Neil A. Dayton *New Facts on Mental Disorders* Charles C. Thomas, Springfield, Illinois, 1940 pp. 161-162

this reason among others, the probability of a return to the alcoholic pattern of behavior is greater than before the prison term. There is no single treatment or type of supervision which is an absolute assurance that a probationer will not begin drinking at the first opportunity, but we know that many will drink less and some will not drink at all if they are given some assistance in maintaining a certain degree of psychological and social equilibrium without alcohol.

To understand this it is necessary to consider the alcoholic personality. It is rather generally agreed that severe alcoholism is a symptomatic type of behavior and is almost always evidence of a basic psychoneurosis in itself. When considered thus, "alcoholism" means that drinking occupies more of the time and the resources of an individual than any form of creative behavior. All psychoneurotic behavior generally affects the personality more completely than it does the intelligence and this is true of alcoholism. Perepel¹ has pointed out that neurotics seem to possess a certain intelligence that appears to be superior to that of their milieu and this is frequently true of the alcoholic criminal. Since so much of their behavior is based on emotional drives, it is uncommon to find a psychoneurotic whose life is successful, and similarly it is uncommon to find one who is phlegmatic. The neurotic (and often the criminal or delinquent) feels that this lack of adjustment is caused by factors outside himself, whereas it actually is personal and subjective. In some there is a large ambivalent content—of love and hate for self and for the external environment—so that unconsciously criminal behavior may be the resolution of ambivalence. Assuming for the moment that the criminal delinquent has handled his adjust-

¹ Elias Perepel "Neuroses and Personality Degradation" *Psychoanalytic Review* April 1941

ment to his environment adequately in terms of ambivalence, there remains the need for an understanding and rationalization of his dual attitude toward himself. Without assistance often the probationer reaches an impasse in his effort to adjust and the only solution which appears is recourse to alcohol. The desperation that comes from the inability to get a job and keep it, from marital and social difficulties, from the inevitable embarrassment and chagrin which he suffers each time he admits he has been imprisoned, may build up to a tension from which even more normal individuals than he would require an outlet. For the economically and socially adjusted citizen there are a variety of outlets, but for the probationer there are relatively few and most of them are socially proscribed.

Usually a well-behaved prisoner will serve two-thirds of his original sentence, and it is not excessive to recommend that at least one-half of his actual prison stay will be devoted primarily to preparation for release. This, of course, presupposes that the essential purpose of imprisonment is corrective and not punitive. The ideal situation would permit actual psychotherapy for the prisoner from the beginning. Failing that, a series of interviews with the prison psychiatrist or social service staff is very desirable. The prisoner must be helped to understand beyond any mistake that parole is not a right but a privilege to be earned and retained only by conformance to the rules which govern its grant.

There are a number of factors which are routinely considered by parole and probation boards. Chief among them is the matter of the environment to which the individual will go on his release. If he be married it is probable that his home environment will not be very different from that of his original home. The fact that

so many alcoholic men and women who are sentenced to penal institutions come from environments which are shaped unfavorably by the alcoholism of their parents, marital partners and other relatives suggests that *the frustration of an alcoholic environment elicits aggressive drives which manifest themselves in the socially unacceptable form of behavior which we call crime*. The deep instinctual drives are diverted and build up severe emotional and mental conflicts which cause further damage to already battered and wavering egos.

If there is any evidence that a probationer with a verified alcoholic history must return to a home in which one or more members are alcoholic, it is a handicap which is too great to impose on him. A new environment should be found even if it means breaking up a family unit. However, the complete cooperation of an intelligent husband or wife is gladly given, for the most part. Employment is usually a requirement which is presupposed, so that it is not the most pressing problem. Many probation boards require that employment shall not be carried out in any capacity associated with the manufacture or sale of alcoholic liquors.

There is a great need for social contact for the alcoholic probationer, but this should be of a type which will not increase the feeling of inadequacy which is so characteristic of this group. Neither the community nor the family should stress superiority, perfection and blamelessness, if it wishes the alcoholic to take his place in it with reasonable promise of adjustment. The paroled alcoholic criminal must be offered a social group on his release from prison in which the competition is diminished from that which he knew before commitment.

Perhaps the chief difference between the alcoholic and the nonalcoholic is the ability to successfully fight against

spontaneously occurring drives. The nonalcoholic groups of criminals are definitely more deliberate in the pattern of criminal behavior. The spontaneity of the alcoholic personality should not be suppressed but should be directed into extroverted activities. Alcoholics make good salesmen and leaders and it is possibly for this reason that they welcome the opportunity to help other alcoholics. For the middle-aged alcoholic, veterans' organizations and club activities may offer an outlet which can help to build the ego-drives. With their proper concern for the health of their members, it is somewhat surprising that veterans' organizations have not lent their support to movements seeking reasonable control of alcoholism. It may be that they have done so, but they have received too little public attention if this be so.

For the juvenile probationer contacts with others of his own age group are very important. These can often be arranged through social agencies and settlement houses which seek to inculcate the belief that the probationer is a part of the community. In many cities the police are endeavoring to interest boys and girls in activities which will help them understand that police officers are their friends rather than purely disciplinarians in function. Such activities are valuable in keeping delinquents and pre-delinquents from situations which build up alcoholic behavior patterns while at the same time they afford opportunity for participation and leadership. Denver established a junior police organization which has contributed to the decrease in juvenile delinquency. In Boston a similar organization, the Boston Junior Police Corps, was established in October 1938. I quote from a recent letter of the police commissioner, "With respect to alcoholism, this habit is especially dangerous since it is closely linked with, and often leads to many failings, criminal or otherwise. One weakness always leads to

another, so only by correcting the source of an evil can you begin to meet with success."

In spite of the progress of our communal attitude toward treatment and reform of criminals rather than punishment, the attention we give to the removal of handicapping factors does not keep pace. A good part of government outlay continues to be in the maintenance of penal institutions rather than in housing and health measures. If some fraction of this were spent in preventive educational work, within a short time the type of individuals who require restraint would change greatly.

We are accustomed to think of alcoholism as an "escape mechanism," but for the alcoholic criminal it may be much more than that. Myerson¹ has pointed out that the excessive use of alcohol may be a revolt against, as well as an escape from, the overstressed caution, decorum and orderliness of human existence.

Psychiatric Therapy

There is a pressing need for the application of psychiatric and sociological methods to the problems of penology, whether of alcoholic origin or not. The general attitude of society has tended toward apathy after an offender disappears from the front pages of the newspaper through the prison gates. The purpose of the penal institution is not alone the protection of society but must include preparation of its charges for their return to society. Psychotherapy in most cases, and especially in those which are complicated by alcoholic factors, is almost an essential. Incarceration will not change behavior unless there is analysis of the total situation of the criminal followed by treatment during imprisonment and parole. Whether psychotherapy can help in rehabili-

¹ Abraham Myerson "Alcohol: A Study of Social Ambivalence" *Quarterly Journal of Studies on Alcohol* June 1940

tating these persons and can raise the prognosis for them after release depends on whether the purpose of incarceration is punitive or therapeutic and educational.

If psychotherapeutic procedures cannot be instituted during imprisonment a part of the parole plan should be the mandatory referral to a psychiatric agency. Few of these exist but there is no valid reason why they should not be established. We are learning that it is less expensive to prevent infectious and contagious diseases than to treat them, and the same situation obtains for alcoholism and crime. The psychiatric examination and appraisal need not await the actual beginning of the sentence. In fact if this were done while the prisoner was awaiting trial or sentence and the findings were made available to the sentencing judge, he might utilize them as a guide to the length and type of sentence. There should be provision for a continuance of recreational outlets after release to counteract the tendency to revert to old companions and haunts and subsequently to old habits. Too much responsibility has been placed upon probationers in the past and too little assistance and supervision has been given them in most states after their release.

The type of psychotherapy to be employed will inevitably depend upon the individual and his cooperation. Actually little progress toward adjustment of personality can be expected, however skilful the psychotherapist, unless the probationer or parolee wants to overcome his alcoholism. This can only result from an understanding that there is a direct and inseparable relation between drinking and his previous criminal behavior. If the parolee is sincere and values his release from an institution sufficiently to deserve it, it is probable that he will cooperate. Otherwise return to jail is almost inevitable, and the sooner this occurs the better for the probationer

and all around him. Great care must be exercised in evaluating the results of psychotherapy and precautions taken to see that the cessation of drinking is not accompanied by the adoption of other forms of undesirable behavior. The substitution of drugs for alcohol is a common occurrence and has its basis in the same psychological motivation. Kolb¹ believes that drug addiction tends to reduce crime of a certain sort. The opium derivatives tend to soothe and decrease abnormal impulses, although the ultimate effect is to create a state of idleness and dependency which naturally enhances the desire to live at the expense of others and by antisocial means. An astute psychotherapist should be able to detect a substitution of this sort, since the basic attitudes of his patient will be unchanged. It may be that other forms of neurosis may be substituted, but these soon manifest themselves also. Worry, loneliness, boredom are often advanced to explain why an individual drinks or takes drugs, but the feeling of inferiority goes much deeper than any of these attitudes.

The general attitude toward an alcoholic probationer must embody the concept that his condition is tantamount to a mental illness and that his personality has been damaged at some time. The pattern of drinking belongs only in the realm of symptomatology. *One of the chief errors in the past has been to consider the problem of drinking as an entity without consideration of the patient's total personality in its situation.* His thoughts, emotions and reactions must form the material of therapy. The drinking as behavior may then be evaluated in its true significance and usually as a symptom. As part of the therapeutic program the probationer must be willing to adopt a completely new life plan. He

¹ Lawrence Kolb "Drug Addiction in Relation to Crime" *Mental Hygiene* January 1925

must be aided to formulate acceptable goals and to sublimate all his immediate desires which do not contribute to their realization. In short, he must undergo a complete reeducation for life. Dr. Robert Seliger of Johns Hopkins Hospital has listed a number of attitudes whose acceptance is essential to the progress and success of the alcoholic:

- 1) You must be convinced *from your own experience* that your reaction to alcohol is so abnormal that any indulgence for you constitutes a totally undesirable and impossible way of life.
- 2) You must be completely sincere in your desire to stop drinking once and for all.
- 3) You must recognize that the problem of drinking for you is not merely a problem of dissipation, but of a dangerous pathological reaction to a (for you) pernicious drug.
- 4) You must clearly understand that once a person has passed from normal to abnormal drinking he can *never* learn to control drinking again.
- 5) You must come to understand that you have been trying to substitute alcoholic phantasy for real achievement in life, and that your effort has been hopeless and absurd.
- 6) You must recognize that giving up alcohol is your own personal problem, which *primarily* concerns yourself alone.
- 7) You must be convinced that at all times and under all conditions alcohol produces for you, not happiness, but unhappiness.
- 8) You must come to understand that the motive behind your drinking has been some form of self-expression, some desire to gratify an immature craving for attention, or to escape from unpleasant reality in order to get rid of disagreeable states of mind.
- 9) You must understand that alcoholic ancestry is an *excuse*, not a reason for abnormal drinking.
- 10) You must realize that any reasonably intelligent and sincere person, who is willing to make a sustained effort for a sufficient period of time, is capable of learning to live without alcohol.
- 11) You must fully resolve to tell the truth and the whole truth, without waiting to be asked, to the person who is trying to help you—and you must be equally honest with yourself.

12) You must avoid the small glass of wine—the *apparently* harmless lapse—with even more determination than the obvious slug of gin.

13) You must never be so foolish as to try to persuade yourself that you can drink *beer*.

14) You must never be so childish as to offer temporary boredom as an excuse to yourself for taking a drink.

15) You must disabuse your mind of any illusions about alcohol sharpening and polishing your wit and intellect.

16) You must learn to be tolerant of other people's mistakes, poor judgment and bad manners, without becoming emotionally disturbed.

17) You must learn to disregard the dumb advice and often dumber questions of relatives and friends, without becoming disturbed emotionally.

18) You must recognize alcoholic day-dreaming—about past “good times,” favorite bars, etc.—as a dangerous pastime, to be inhibited by thinking about your reasons for *not* drinking.

19) You must learn to withstand *success* as well as failure, since pleasant emotions as well as unpleasant ones can serve as “good” excuses for taking a drink.

20) You must learn to be especially on guard during periods of changes in your life that involve some emotion or nervous fatigue.

21) You must try to acquire a mature sense of value and learn to be controlled by your judgment instead of your emotions.

22) You must realize that in giving up drinking you should not regard yourself as a hero or martyr, entitled to make unreasonable demands that your family give in to your every whim and wish.

23) You must beware of unconsciously projecting yourself into the role of some character in a movie, book or play who handles liquor “like a gentleman,” and of persuading yourself that you can—and will—do likewise with equal impunity.

24) You must learn the importance of eating—since the best preventive for that tired nervous feeling which so often leads to taking a drink is *food*—and must carry chocolate bars or other candy with you at all times to eat between meals and whenever you get restless, jittery or tired.

- 25) You must learn how to relax naturally, both mentally and physically, without the use of the narcotic action of alcohol.
- 26) You must learn to avoid needless hurry and resultant fatigue by concentrating on what you are doing rather than on what you are going to do next.
- 27) You must not neglect care of your physical health, which is an important part of your rehabilitation.
- 28) You must carefully follow a daily self-imposed schedule which, conscientiously carried out, aids in organizing a disciplined personality, developing new habits for old and bring out a new rhythm of living.
- 29) You must never relax your determination or become careless, lazy, indifferent or cocky in your efforts to eliminate your desire for alcohol.
- 30) You must not be discouraged by a feeling of discontent during the early stages of sobriety, but must turn this feeling into incentive to action which will legitimately satisfy your desire for self-expression.
- 31) You must not drop your guard at any time, but especially not during the early period of your reorganization, when premature feelings of victory and elation often occur.
- 32) You must understand that, besides abstinence, your real goal is a contented, efficient life.
- 33) You must appreciate the seriousness of your reeducation, and regard it as the most important thing in your life.
- 34) You must realize that most people seeking psychological help for abnormal drinking are above average in intellectual endowment, and that while drinking means failure, abstinence is likely to mean success.
- 35) You must never feel that any of these suggestions are in any way inconsequential, or secondary to business, play, or what not; and must conscientiously observe every one of them, day in and day out.

The probation officer who has none of the facilities described above at his disposal may well ask, "What can we do alone for the alcoholic probationer?" The answer is fairly simple and it might be stated thus, "You must realize that your understanding of the relation of alco-

holism to criminal and delinquent behavior will be a large factor in determining the management of your alcoholic charges. You must show tolerance and must evidence by word and by example that the alcoholic probationer is to be judged on the *effort* he makes to discontinue his old habit of drinking. This, more than an immediate and complete cessation of drinking without a single lapse, is an indication of his desire to reorder his life." In addition, the probation officer who lacks psychotherapeutic aids can, in his interviews, endeavor to convey the basic concept of alcoholism as a form of neurotic behavior which yields only to a more healthy outlook and a sincere desire to redesign personality insofar as it is constitutionally possible.

The health of the alcoholic probationer should receive attention as well as his psychological status. Frank physical and organic involvements are beyond the province of the probation officer and should be referred to a well-qualified physician with whom the officer is in close contact. However, he can ascertain whether the daily routine of the probationer makes allowance for work, play, sleep and relaxation. Dietary advice of a general nature should be given and some attention should be paid to whether the probationer is receiving adequate amounts of minerals, vitamins and proteins.

A long-term view of alcoholism and crime and of the total sociological situations which produce them should provide for the removal of economic and biological handicaps, unless society is to support these persons intermittently throughout their lives. Work projects for paroled criminals are as important as for the noncriminal group. Both feel the same need for food and shelter. The alcoholic feels even more strongly the need for social acceptance during the period when he is attempting to reestablish himself.



Differentiation in the Treatment of Probationers and Parolees

CHARLES H. Z. MEYER

U. S. Probation Officer, Chicago, Illinois

TO discuss the differences between probation and parole as they exist today is not to suggest that these peculiarities are here to stay. Nearly all of these differences are determined by historical antecedents, which have a way of receding while more recent factors become operative. Probation and parole undoubtedly will outgrow many of their differences in time, will develop to maturity, and discover that they have so much in common, that as married partners from different households they can separate from their parental origins to form a new organic structure of their own, built around a single treatment process.

Difference in Origin and History

Probation and parole have different origins and histories. At one time criminals were banished, sent to far away colonies, tortured, killed. That closed the case. But about one hundred fifty or more years ago prisons for temporary confinement were introduced as a method of punishment. This meant that the convicts eventually came back home, an entirely new and disturbing situation for the community. Something had to be done about it. The people demanded protection, and the prisoner released into a hostile world needed after-care. That is how parole was born. It arose from a dissatisfaction with a failing penal or prison system. Parole was discussed in this country as early as 1776, before 1830 it

was officially authorized in some European countries, and in 1869 it was officially introduced into America with the establishment of the Elmira Reformatory in New York.

Probation, on the other hand, arose from dissatisfaction with an antiquated punitive court system. Courts wanted to find a substitute for the penitentiary, and so before the middle of the nineteenth century they resorted to suspending a sentence provided the offender could offer financial security for good conduct during the life of that sentence. This financial guarantee often proved a bar to justice because it was not available. In 1841 in Boston, a shoemaker by the name of John Augustus asked the court to forego the financial security in the case of a sentenced drunkard, and to hold him, John Augustus, personally responsible for the man's future conduct. From this practice the concept of probation developed and was finally embodied in a statute in 1878.

Difference in Organic Relationship

As part of this historical development came a heritage of organic differences. Probation and parole are associated with two social structures, the court and the prison, which are organically unrelated and cannot be united into one function. Probation has remained a part of the judicial branch of government whereas parole always has been an executive function. Probation is an extension of the function of the judge, who retains jurisdiction and who exercises the power to terminate and revoke probation. Parole on the other hand is a part of the prison administration. It is completely divorced from court procedure. Once the judge has sentenced the offender to an institution he loses jurisdiction and is powerless to grant parole. Because of this historical heritage some believe that probation and parole can never be united successfully under a single supervising agency.

Difference in Philosophies

The underlying philosophies of probation and parole are colored by their origin. Probation is punishment, parole is not. Probation follows a finding of *guilt* as a penalty and holds the offender in a carefully controlled situation of restraints as a substitute for prison. Some of the man's liberty is removed. That is punishment.

Parole does not follow a finding of guilt so much as it follows, as a reward, a finding of *good behavior*. Parole releases a man from confinement to a situation of comparative freedom. It becomes for him a partial escape from punishment. Its purpose is prevention of further delinquency through a process of gradual release. The points of view and the psychological effects of the two processes are thus different. This fact however does not preclude the possibility of fusing the two functions into a single treatment process.

Differences in Mechanics

The historical antecedents of probation and parole somewhat predetermine a difference in the mechanics of supervision. The parole officer has little or no control over parole intake; the penal institution or the parole board controls that. The parole investigation is seldom completed by the field supervision officers, but is executed usually by the institution or the parole board which also makes all decisions, leaving little to the discretion of the officer.

The probation officer on the other hand exercises considerable control over intake especially where there is a presentence investigation and a harmonious working relationship with the court. He is in direct control of the situation, can decide and take action quickly.

Another mechanical distinction is mass or line report-

ing versus individual reporting. Some probation offices, following an earlier precedent set by parole authorities, still adhere to antiquated mass reporting. In parole because of the absentee, or bookkeeping type of control, parole reports must be in the office by a specific date every month. In some of the larger cities long lines of men and women form in the office to submit their reports on the final day. Sometimes, these reports are sent a thousand or more miles away to a central office where girls or clerks routinely check them for errors. This is not true of all parole setups, nor does it mean that individualized parole supervision cannot be given to supplement the group reporting. Yet many parole services have not developed individual reporting.

Difference in Approach

A difference in mechanics makes a difference in approach inevitable. In parole all pertinent information has presumably been gathered before the man's release and the first interview is not one of investigation. The officer with the institutional record or summary before him already knows something about the parolee's situation. The first interview becomes primarily one for establishing and increasing rapport.

In probation cases however, the worker begins with total inquisitiveness, because nothing is known. Try as one will to avoid it, that kind of beginning suggests social distance, particularly when probation has been granted without a presentence investigation. The officer knows nothing of the man and must interrogate him. The man frequently resents this as a lack of acceptance. He reasons that the court saw fit to grant him probation without asking a lot of questions in a lengthy interview so why should he answer them now? Therefore in parole

the initial rapport is always easier than in probation because you begin with some understanding of the man.

The parolee is more approachable also because he is used to being interviewed. Most parolees are interview-conscious but only a limited number of probationers, usually those known to social agencies, have had such experience. Such awareness is not always helpful especially if the parolee has had unpleasant interview experiences, but usually it makes cooperation easier.

From the standpoint of treatment also a difference in approach is often necessary. The thirty-four year old son of an affluent citizen was sentenced for eighteen months. As he was a college graduate he was given a clerical position in the front office, seated each morning at a spacious desk by a large window overlooking what is euphoniously referred to as the "campus." Each day he arose at the same hour, had breakfast, marched to the chapel, to school, to his desk, and so on through the day, week in and week out. When he was released on parole the habit of prison life had got him. The morning the prison doors opened for him and he found himself outside of prison walls, he paused, became frightened at the prospect of making his own decisions. He said to himself, "This is not for me," and turned back but the guards motioned him to enter the car waiting to take him to the train. In the next town he ordered ham and eggs but couldn't eat the meal because it was a strange fare to him. When he stepped off the train in his home town, his wife, children and loved ones were there, but he could not greet them, or kiss them because there was no authority present to tell him what to do.

The man who leaves a penal institution is like the man who leaves a hospital. The patient usually is cured but is weak and needs a convalescent period. When a man leaves a penal institution he is theoretically cured and

in many respects is a better man than when he went in. But he is weak from the inertia, the routine, the dependence of institutional life. His determination is there, his willingness is there, his parole plan is there, but he has to gain his stride. His whole reaction process and his thinking have been slowed up, although not permanently or shockingly so. The parole officer recognizes this, and approaches the problem by getting acquainted and by watchful waiting during the convalescent period which is roughly about two weeks, although many parolees require less time. The officer may have the man come in to see him often, or he may go to his home frequently just to talk things over. In the case cited the man had a home, a family, friends and a job waiting for him. All he needed was two weeks of convalescence to find himself again.

In probation cases, however, action begins almost at once, and in a comparatively short time a plan is put into execution. There usually is no period of watchful waiting.

Difference in Worker-Client Relationship

Another distinction between probation and parole is in worker-client relationship. The probation officer is both diagnostician and therapist, whereas the parole officer is therapist only, the institution having made the diagnosis. Because the institution frequently initiates and completes the history gathering, the parole officer usually is less experienced and acquainted with his case at the time of taking supervision than the probation officer who has been on the case from its inception. The parole officer may have an easier and better introduction to the parolee but he does not because of that have a better understanding of his case.

The parolee is conditioned to watchful waiting. He

has learned to endure restraints and to conform to rules in order to get an early parole. When he comes out he continues in this docile fashion, so that supervision is easy and invites a static kind of worker-client relationship. The visits tend to become routine checkups, the interviews an exchange of pleasantries, and the recordings merely a chronological charting of the offender's behavior. Thus there may be no vital constructive relationship. This static kind of relationship occurs also in probation supervision but it is more likely to occur in parole because the client has been conditioned to conforming, to being "a good boy." The probationer may still have this lesson to learn, and so requires more of the probation officer's attention.

A third factor in the worker-client relationship is gratitude and dependence. The parole officer frequently is gratefully identified as the person instrumental in effecting the defendant's release, and rapport therefore is facilitated. A probationer is frequently less responsive because he has done less for his freedom than the parolee. This is especially true when he has been granted probation without a presentence investigation. But when an investigation has been made the entire court experience assumes a more vital role and the authority of the court then becomes a dynamic factor in the relationship between the offender and the officer. The probationer is more appreciative and more eager to cooperate. He didn't get something for nothing. In such cases probation and parole are not very far apart.

Difference in Supervision

The probation officer's task may be thought of as the more difficult one, because he comes first in the correctional process. He has to teach the A B C's of approved

social and legal conduct. The parole officer gets the man after a considerable exposure to an enforced social code.

Parole supervision also requires less for this reason. In parole the case builds up constructively without the officer's doing very much about it. The parolee is not released until a plan has been made, which is not always the case in probation. In parole the man's relatives and friends usually work up the case plan, providing a home, an adviser, and a job. Thus one of the most difficult problems, unemployment, is solved at the start. In probation a man may be placed under supervision without a job or without even the ability or equipment to fill one. The officer frequently has to initiate and keep alive the entire plan of rehabilitation.

In addition, probation supervision actually begins with the presentence investigation and continues as a social service so long as the case is active. Parole supervision, however, does not begin at the time of sentence but at the time the prisoner is released or shortly before. Very few parole departments give social service to the prisoner's family while he is incarcerated, or function as community social service departments for the prisons or reformatories of a state. Men in prison are often distracted and mentally disturbed over the status of their dependents; and a parole officer rendering family or social service would assist these inmates as well as the prison administration in alleviating tension. This point of view however is not accepted by all parole officers. An institution once asked a parole officer to investigate an inmate's wife about whose means of livelihood the inmate was quite distressed. The officer wrote a curt letter stating that he was employed as a supervisor of parolees and not as a detective for prison inmates. He missed his high calling.

Differences in Readjustment

Thus far we have noted differences as they arise for the officers, but we have still to consider differences as they arise in the individual under supervision. Since probation comes before and parole after incarceration one would expect to find the parolee's problem of readjustment to be somewhat different from that of the probationer. The parolee has been isolated from the free life of the community and may expect to experience greater difficulty in employment, in his family situation and in acceptance by his community. The probationer on the other hand has never been taken out of his normal environment. However, the more modern prison of today with an efficient classification committee and a sound therapeutic and social service program frequently gives the parolee a decided advantage over the probationer. The therapeutic prison prepares the man for his parole.

The prison affords time for a man to think. Many prisoners make good use of their enforced leisure time. A man sentenced to four years was asked what he would do during that time. "I'm going to let the government buy my sandwiches so that I can study music," was his prompt reply. Another man studied law and returned to court to plead his own case on another charge. A well-known prisoner studied the Bible for the first time and wrote two books about it. Every prison official and parole officer knows of men who have profited from a prison experience. Such cases seldom become problems in readjustment.

One cannot add an institutional period to a man's experience without doing something to him for better or for worse. Prison has a way of conditioning people. It makes them wiser either in the art of living or in the art of crime. In either case they are easier to handle.

Said a parolee to his parole officer, "I'll know better than to use the U. S. mails in my next job, or to break my parole." The old-timer on parole is usually easier to handle than the youthful probationer who has not been through the mill.

And if the man has grown wiser in the art of living his readjustment will be a minor problem. A prison experience which is not too long does not mean a complete break with the past, the family, and the community. An editor and publisher of a magazine, after completing a three year prison term said, "It seems to have made no difference. The moment I stepped out from the prison doors and got home I felt as if I had returned from a vacation."

There are of course the habitual failures, the recidivists, the constitutional inferiors, and those who for other reasons are untreatable. These exaggerated deviates have a way of captivating our attention and blinding us to our successes, of which we all admit there are a goodly number. Academically there are several explanations of these successes, and one of the factors in the readjustment is an institutional experience not shared by our probationers. The advantages of supervision are not entirely with the probation service.

Difference in Discipline

Some say that parolees need to be treated in a more disciplinary or authoritative manner than probationers, because they have become conditioned that way in the institution. This conditioning, however, may be an advantage because, since the parolee has more arbitrary restrictions to meet, he is already used to them and usually can bear them better than the probationer. The probationer has to discipline himself quickly. Suddenly he finds himself before a court, the subject of a presen-

tence investigation. He is perplexed, confused, striving desperately to reorient himself and reevaluate his philosophy all in a very short time, in order to make himself eligible for probation. The strain, the insecurity, the tension is greater than that of the parolee who has had time to discipline himself. The probationer must undergo a kind of conversion and therefore requires more skill in handling. Probation is a sharply defined disciplinary experience, parole is an experience in which discipline has become mellowed by time.

Basic Similarities

Probation and parole have much in common. Both have the same objectives; to protect society and to treat the individual and his social problems. Because their techniques and objectives are those of good family case work, probation and parole have been referred to as "identical twins." The methods differ somewhat but the broad purpose of both is to protect the community.

Both deal with the same individual, but at different times and under different conditions. Probation deals with him first before he has had much chance to change. This may be an advantage or a disadvantage depending upon the kind of person he is. Parole deals with him when he has become a different person, after a new experience. He is still about the same height and weight; usually he has still the same home, wife, children and community; and his name is still John. But he is more than that, he is John plus an institutional experience.

After all, probation, incarceration and parole are three phases of a single process of treatment. The institution is a phase of that process. It is central and indispensable to both probation and parole. Without the possibility of a penitentiary period probation loses its effectiveness. Without a penitentiary, parole is meaningless, and with-

out either probation or parole the penitentiary becomes a curse, a blight upon human experience. The three are mutually dependent for their usefulness. The present tendency is to regard the institutional and extramural phases of treatment as complementary, with the institutional program so planned as to dovetail the case work pattern of both probation and parole. Such a penal policy of protection through rehabilitation and reform makes these three forms of treatment links in a single chain.

Both probation and parole require for their highest usefulness, officers with some institutional experience or background of information. A probation officer cannot afford to be suspicious of institutions and reluctant to cooperate with them. Cooperation begins when a copy of the presentence investigation report is sent to the prison if probation is not granted. Too many probation officers wash their hands of the man who fails and has gone to prison. The parole officer likewise needs to have some understanding of what the institution is trying to do to rehabilitate the prisoner if he wants to deal effectively with his ward. Especially is this true where gradual release or the halfway house is coming into practice. The parole plan should also begin with an investigation continuing from the one made by the probation officer.

Both services perform in a measure the function of a family agency, and theoretically (in some jurisdictions actually) the probation officer continues his interest in the offender and his family after incarceration. Likewise some parole officers begin to work on a release plan the moment the man is sentenced, and keep informed regarding his family and his institutional progress throughout the prison period. In fact, in jurisdictions having well-organized probation and parole services the two

offices need to guard against overlapping investigations, and duplicating effort.

Probation and parole both are in an authoritarian setting and exert disciplinary treatment. This discipline however is consistent with good case work practice and except in degree, is fundamentally not different from that enforced upon the non-lawbreaker. We all live under discipline. None of us are free wild souls.

Both are handicapped by the same stigma and public "blacklisting." A probationer or parolee cannot join the Army,¹ Navy or Civilian Conservation Corps, cannot work in a government office or receive a civil service appointment. Private enterprise has similar taboos against him.

Unification Problems

From point of origin probation and parole developed as separate services, but in the decades from 1900 to 1920 a new technique for solving social problems was in the making called "social case work," an individualized method of developing personality by making adjustments between the subject and his environment. A little later it was found that something must also be done with the subject, and so psychiatric case work developed as a method of adjusting the man to himself. These new methods of treatment permeated many techniques and disciplines including probation and parole services, drawing them together, almost uniting them in some places. Consequently we find that in the treatment process probation and parole have so much in common today that one might be justified in raising the question whether or not these two services can be handled in one office.

Combined service is more economical. It prevents un-

¹ See page 425.

necessary duplication of work and services, especially where a man is first on probation and later on parole. It makes possible the use of the presentence investigation as the preclassification and preparole report. It makes worker-client cooperation easier; that is, a man is more cooperative and willing to supply information before than after the sentence, so parole supervision is easier if the same officer made the original investigation. It facilitates rapport and constructive supervision, because the investigating officer is more likely to have a fuller understanding of the case than a new supervising parole officer who has to rely upon a report written by another worker.

However, there are some practical objections to a unified service. It is argued that so long as judges have the power to sentence or to withhold sentence, they should have control of the probationer over whom they still have the power to impose sentence. This involves in most jurisdictions control of the probation service as well. Combining the services places them under dual control and creates administrative problems which in the long run may prove harmful. An officer under two authorities, the court and the parole board or department of corrections, suffers from a clash of interests which reduces efficiency and may result in a neglect of parole matters. No man can serve two taskmasters well. The combination of parole and probation services in one state-administered department is a partial solution to this difficulty.

The greatest present need for probation service is in the inferior courts of municipalities and in domestic relations courts where the offenses are social rather than criminal. To combine for treatment these offenders with parolees from penal institutions might create unfortunate impressions in the minds of the probationers and on the

public. The implication is that they all fall in the same classification. As one respectable probationer put it, "I hate to come in here with all the bums and crooks."

In addition such a unified service might lead to a diminished use of probation. Judges might not be inclined to place on probation persons involved in domestic relations offenses, women convicted of social offenses, and other offenders charged with comparatively minor infractions, under the authority which likewise controls persons released from prisons, many of whom are recidivists.

The Breaking of Rapport

In the matter of treatment and therapy also, unification of the services raises problems. When a probation officer finds it necessary to revoke probation and have a man committed to the penitentiary, it usually means that the officer-client relationship has been violently disrupted. If this same officer after one or two years gets that man back on parole both may find the situation very embarrassing. The officer can't very well say, as one officer did, "Let's be friends. Two years ago I thought you were the worst man on earth, but I think you're a gentleman now." Needless to say in the particular instance rapport was never fully reestablished, and the case finally had to be reassigned. No matter how guilty a man may be, he can seldom be gracious to the officer who he thinks meted out the institutional punishment.

However, genuine sympathy and skilful handling may overcome this difficulty. A probation officer learned that one of his narcotic probationers was "back on the stuff." He had a heart to heart talk with him about the disadvantages of trying to "kick the habit alone" but gave him several weeks to try it. Finally the man decided to go to the penitentiary. The court sentenced him for two

years, and upon recommendation of the probation officer allowed the man to go home for sixty days without bond to straighten up his affairs. A half hour before he boarded the prisoners' train he called on his probation officer, shook hands, bade farewell, promising to see him again "after the stretch." In due time the man returned on parole, anxious to make the first report of his experience to the officer who saw fit to send him away.

Similar stories can be told covering a large variety of offenses. A number of released men were asked their preference of officers. The majority were in favor of the same officer who made the original investigation or supervised them before they were sentenced, because, "he knows all about my case, and I know what he will do but I don't know if another man will understand my case." Some men object to rehearsing their offense and life history to a new officer.

Closer Cooperation

Coordinating probation and parole with institutional treatment is a challenge. One of the reasons why these three functions have not dovetailed as they might is that they have never been under one head or control. Another reason is mutual distrust and lack of understanding of each other; each one thinks itself more important than the others. The probation officer lacks faith in the institution as a rehabilitative measure and will not use it as part of the treatment program. The parole officer receives a problem from the institution and is inclined to refer all his troubles to that source. Prison officers are discouraged by the little credit the institution receives for what it tries to do and all too often their program is not geared to the plans of the probation and parole officer. One can hardly expect a probation officer to speak enthusiastically of an institution which insists

on turning out barbers when he can better find places for experienced bricklayers. Individualized vocational therapy requires the cooperation of the field officer and the institution. The two must work together.

A Case in Point

The three units exist for therapeutic reasons and so are mutually interdependent. When a working relationship is established between the probation department, the institution and the parole department, a real therapeutic service can be given. One example will suffice.

A colored boy eighteen years old, slight in build, somewhat underweight, with normal intelligence but a marked inferiority feeling was placed on probation for two years. His parents were illiterate; both had been married several times. His mother was older than his father, dominated the home, and was very protective of the boy, who was her only child. The father was a drunkard. One month after the boy was placed on probation he wrote to the office, 'Dad pulls gun on Mom. She jumps out of second story window, rushed to hospital, dad in jail.'

Here was a kindly, aspiring lad who felt himself frustrated at every turn, and consequently felt quite inadequate, for which he was always trying to make up. He had two years of high school; but continuing in school meant to him that he was still a 'know-nothing,' so he quit. The officer could not get him to return to classes; however, the boy liked to study by himself 'especially psychology,' he said. The text he referred to was *True Story Magazine*.

One day he took French leave from probation and skipped to Michigan. When asked what he did there, he said, 'I studied botany.' When it was suggested that botany involved chasing butterflies, he was annoyed because he wanted to be a man and not a chaser of butterflies. So he took up fishing, which was a more manly sport, and strove to excel in it. He would boast about his catch to the probation officer and gave him 'sure' formulas for making bait. His boastings constantly got him into trouble because they were fanciful and usually had no connection with reality. He boasted about his swimming

ability, but when he was taken to a colored boys' club and thrown into the tank, someone had to dive in after him.

Finally an understanding playground director cooperated in a plan of treatment. For a while the boy seemed to do very well, but he was not chosen captain of his team, so the director reported him 'absent from his team for five days.' Then he went to the CCC through the help of a knowing case worker, remained there for a while, but couldn't take orders and so was dishonorably discharged for absence without leave. He returned home after seeing some of the country.

Because he could not rate with the good boys he began associating with some bad boys using narcotics. He tried to excel among them. He never drank. He frowned on cigarettes, but smoked three cigars a day as a symbol of manhood. At this time he had a sleepy-eyed expression and usually yawned when under slightest pressure. He was irregular in reporting and became a headache to the probation officer. A month before his probation expired the boy grew impatient at his lack of ability to buy necessary articles of clothing. He wasn't going to wait longer for 'them golden slippers' so he went to a neighboring town, stole a pair of shoes and three suits. He was arrested. The immediate matter was adjusted. On the final day of the probation period the boy was sentenced for two years on the technicality of leaving the state without permission. This was not done, however, without his acquiescence that for his own good he needed a different kind of therapy.

The voluminous probation record was sent to the institution where the case was explained to the proper authorities and psychotherapy recommended. The institution cooperatively sent back to the probation office the admission summary, the progress reports and other materials at regular intervals so that the probation office would have the complete history of this patient from probation through the prison and later to the expiration of his parole.

The boy was a problem for the institution. The psychiatric report indicated that he was evasive, exaggerated and 'flies off the handle.' The psychiatrist had told him that he was 'a psychopathic liar.' The boy thought this meant 'crazy' so he 'flew at the doctor.' It wasn't long before his mother wrote that she was sick and needed him badly at home. This was a disturbing element. Soon he began accumulating demerits. He refused to stay in bed in the hospital, got up, whistled and started an argument. He lost four weeks of show privileges

for that. Next he started to smoke and loaf in forbidden quarters. He was transferred to a second grade cellhouse and lost four more weeks of shows. Two months later he caused a disturbance in the mess hall and was transferred to segregation plus restricted diet. His troublemaking continued until he had ten discipline reports and had lost sixty days from his good time.

Then he was transferred to a special dormitory for observation and treatment, and the professional staff went to work on him. Meanwhile the probation officer worked with the mother and the home. Confidential reports were exchanged. Some from the institution applied a dictionary of adjectives to the boy such as 'institutional adjustment stormy,' 'emotional immaturity,' 'spoiled only child,' 'superiority complex,' 'somatic consciousness,' and many more; but the significant thing was that one of the psychiatric reports closed with this statement, 'a disciplinary problem, but eventually may make a satisfactory adjustment.'

When it came time for the boy's release under supervision the institution turned him back to the self-same probation officer as a different man. The chronological record of this reunion is a very interesting one. The boy was taller, heavier, healthier, more mature, and responded well. The only trace of overcompensation was that he shaved the hairline on his forehead so that he could display a nobler brow. He was somewhat reluctant to discuss his psychotherapy, but soon began to use familiarly such words as 'hypochondria,' 'inflated ego,' 'rejection,' 'reality evasion,' and discussed the 'subconscious' and 'conscious' mind with easy assurance. 'Why,' he said, 'I understand it now, why you couldn't get me to continue high school. I was rejecting my mother who was always telling me to go to school.' He gave an excellent account of his own personality makeup, and then reversing the process he proceeded to analyze the probation officer. About this time two other officers stepped into the room and were promptly subjected to analysis by this colored boy. One man felt compelled to leave the room before his analysis was completed. The boy smiled with satisfaction because this was the triumph of his life. He responded, 'I have been reading a lot of psychology. I know enough to teach prof—' he hesitated, making a correction—'children!'

The case was officially closed in October of 1939 four years after the boy first became known to the probation office. He had a job, went to night school, got along well at home, and

dressed very neatly. He visited the office voluntarily several times after his discharge.

This case is given because of its interest, its humor, and its success. It is only one of many which have benefited by a close coordination of probation, prison and parole services. We must use each other. We are in this thing together. How much more can be accomplished if we forget our differences, team up, and pull together for our single objective—the man who needs us.

VI UTILIZING GROUP SITUATIONS



Experimental Group Treatment of Maladjusted School Children

HARRY MANUEL SHULMAN

*Department of Sociology, College of the
City of New York*

TWO years ago at the Buffalo conference of the National Probation Association the writer discussed some theoretical principles of the use of creative group activity as treatment for problem behavior and juvenile delinquency. In the interval he has been engaged in an experimental study of some specific effects of such a treatment method among severely maladjusted public school boys, and in this paper presents a progress report on the methods used and some preliminary indications of their effectiveness.

The Group Guidance Study, conducted under the writer's direction by the Social Research Laboratory of the CCNY Department of Sociology, has sought to test an important hypothesis of the causation of maladjusted behavior, that of the connection between delinquent behavior and antecedent defective social relationships. The hypothesis as developed in this study is based on the concepts separately developed by American sociological and psychiatric schools, the sociological perhaps best represented by Ernest W. Burgess, and the psychiatric by William Healy. Burgess views the delinquent child as one having a special status relationship produced by his defective social adjustment, and sees the necessity of treat-

ing the status relationship if social readjustment is to be achieved. Healy, from his clinical and experimental case studies¹ sees the maladjusted child as an emotionally maladjusted individual, whose delinquencies are an attempt to compensate for his emotional deprivations and frustrations, especially within the primary group, the family.

The writer sees these two principles as mutually interacting and as representing the reciprocal influence of personality and social environment upon each other. Each is but one aspect of a single interacting process. The delinquencies produced by emotional maladjustment lead to defective status relationships. The defective status relationship leads to fresh emotional disturbances and compensatory delinquent behavior. Thus the life of the delinquent child is but a widening circle of status deficiencies and emotional maladjustments, each operating to increase the other.

It should be noted that the problem child is as maladjusted to other children as he is to adults. His unsatisfactory social status is the product of his personality and conduct disorders. Personality traits such as hot temper and bullying, fearfulness and timidity, and overt behavior such as lying, cheating and stealing result in the rejection of the problem child or his very limited acceptance on the fringe of children's groups such as cliques, teams, clubs. The isolation of the problem child increases with the intensification of his conduct disorder, leading ultimately in some cases to complete social withdrawal and concomitant mental deterioration, and in others to association with other rejected children in terms of mutual hostility to the community. Whether the problem child becomes thus a mental patient or a

¹ William Healy and Augusta Bronner *New Light on Delinquency and Its Treatment* published for Institute of Human Relations by Yale University Press, 1936

gangster depends in part upon his native organic equipment. In either event, his unhappy development is largely a product of unsatisfactory social relationships.

To the extent to which the delinquent and criminal are a product of social segregation and of the consequent psychological definition by the delinquent that he is "different" from the rest of society, the development of a distinctive delinquent class with its mores, attitudes, and loyalties—such as the grossly pathological segregate group known as the "underworld"—is in part, at least, a product of the increasingly defective social relations of the juvenile delinquent.

In order that this process of deeper and deeper social segregation may be reversed, it is necessary that in the treatment of the problem child and the delinquent there be built up positive satisfying relationships both to adults and to other children within group association.

Child guidance case work has not attempted, by and large, to foster group association. It has focused upon the reduction of tensions in the relation of the problem child to parents, teachers and siblings. This method, while effective in a considerable fraction of cases, is limited to those situations in which the therapist can win the emotional attachment of the patient and in the case of very young children, of the parents. Unfortunately, in only a fraction of cases is the treatment of problem behavior and delinquency initiated under conditions that favor a deep emotional attachment between the patient, his parents and the case worker. This happy condition obtains more frequently when the parent is the distressed applicant for help in solving his child-rearing problems. When, however, it is the harassed teacher, or neighbor, or victim of some depredation who requests investigation, then the parent is usually defensive, often hostile, and rarely ready to accept advice and counsel.

Probation officers to whom the bulk of their cases come, not from despairing parents but from complainants outside of the family, are in a particularly difficult situation in applying case treatment methods. Indeed a torrent of debate on the possibility of child guidance case work within the framework of an authoritarian relationship has in recent years challenged the very right of the juvenile court to do more than to adjudicate legal issues of child welfare. Without entering into this debate, but accepting the position that social adjustment requires satisfactory improvement in both the emotional attitudes and social relationships of the delinquent, it is suggested that probation use any methods of treatment, whether of case work or of group work, that achieve this objective.

It is not our belief that there is a single road to treatment, nor that the social adjustment of the child must inevitably be initiated in any single set of his social relationships. We view the child as a closely integrated biological organism whose problem behavior may be widely diffused away from the original tension area, and whose behavior in all situations may be thus affected by emotional disturbances set up in one situation. If this is true, and the psychological evidence favors it, successful adjustment in social relationship within the children's play group, if it reduces emotional disturbances will result in improved behavior in all the other social relationships of the child, just as much as improved parent-child relationships achieved by case treatment may result in improved relationships in school and children's play groups. This then is the hypothesis basic to our experiment, that *social treatment of the group life of the maladjusted child or individualized case work therapy represents manipulation of the two forever interacting aspects of personality, and that treatment of social rela-*

*tionships by group work may affect emotional attitudes just as successfully as treatment of emotional attitudes by case work may affect social relationships.*¹

There has been in recent years an implicit recognition of the need of methods of group work as treatment of delinquency. Mass recreation movements have been hailed as delinquency prevention services. National recreation agencies have placed their units in urban areas of high delinquency rates as preventive programs. There is so far no good evidence that mass recreation has accomplished this objective. It is not merely that it is not sufficient in quantity. It is that problem children, because of their very personality and behavior inadequacies, continue their social isolation within supervised recreation almost as in free play, largely because the supervised play center is comprised of free play groups, and because mass recreation still allows the normal group to reject the problem child. Here and there experiments in the application of case work insight and practices within group work have been attempted through what is known as "group case work." This form of experimentation however is dependent upon the guidance of the group worker by the case worker, and thus is limited by the case work facilities of the community. In New York City for example where perhaps 10,000 children can be served by case work out of 50,000 estimated by the Bureau of Child Guidance to be in need of treatment, there is need of a form of therapeutic group work that is not dependent upon case work guidance.²

¹ It is granted that an emotional maladjustment which is a product of emotional conflict between other persons in the primary social group, such as delinquencies rooted in marital maladjustment, will probably respond better to both case and group work than to group work alone, since group work cannot directly deal with the marital maladjustment of the parents.

² *Report of Committee on Maladjustment and Delinquency* New York City Board of Education, 1938, p. 85

The Group Guidance Study

The Group Guidance Study has attempted to formulate a philosophy and method of group work based on sociological and educational principles by which, within the framework of mass recreation, a more individualized type of group work as treatment might be set up. In this form of group work treatment the *behavior of the child within the group* is the basis of treatment. The special type of group within which this treatment is conducted has for lack of a better name been called the *sheltered activity group*. Its object is to create a normal recreational situation within which seriously maladjusted problem children might achieve satisfying social relationships among normal children and adults.

The essential feature of the sheltered activity group is that it is operated not upon a club but a class basis, and that the membership control is in the hands of the adult leadership. This single therapeutic feature makes the situation a highly controlled one, and makes it possible to introduce problem children without fear of their rejection by the others. As formulated by the writer, the sheltered activity group has had to meet the following criteria: a) being a voluntary membership program, b) centering group leadership in a trained educator, c) possessing highly individualized leader-child relationships, d) including in its membership a large proportion of problem children, e) operating ostensibly as an undifferentiated play group without stigma to its members, f) keeping the problem child unknown as such within the group, g) operating through methods especially suited to the emotional insecurities of the problem child but well adapted to the normal child as well.

This type of group was first conducted on a trial basis

in the spring semester, 1938, in two New York City public schools. Valuable experience in this initial tryout led to modifications of procedure. The experiment upon which this report is based was conducted during the autumn and spring semesters of 1939-40 in three treatment groups, two in public school community centers and one in the Social Research Laboratory Workshop. The children were drawn from four public elementary and junior high schools and consisted of boys, ages ten and a half to fourteen years, from grades five to eight who represented the major nationality and racial groups of New York City. The areas in which the schools were located were high delinquency areas. The pupils who were invited to participate in this program were of two groups. The first were well-adjusted pupils who were not known to teachers or principals as having ever presented conduct problems, and who had never received less than a term grade of B for conduct. The second group of boys were among the most maladjusted pupils in these four schools, as selected by teachers, principals and attendance officers, and presented such problems as disinterest in school work, hyperactivity, nervousness, stubbornness, temper tantrums, truancy, fighting, stealing and sex behavior. Only a few had already appeared in children's courts as delinquents, but many were already committing delinquencies in their home neighborhoods without having been apprehended.

An equal number of normal and problem children were invited to join these sheltered activity groups which were set up within school community programs of mass athletic and club activities for youths over sixteen. The experiment has used the control method, for paired with each of the experimental children is another child of similar behavior status, matched for sex, age, race, intelligence, educational achievement and mechanical apti-

tude, in order to eliminate the special effects upon behavior of these factors.¹

The Activity Program

The experiment developed an educational method based on the activity program as used in progressive education. A series of creative activities including art, arts and crafts, woodwork, and music, augmented by quiet games and by weekend trips and excursions was set up. A democratic relationship was set up between leaders and children, both through the structure of the group and the behavior of the adults. A typical group consisted of the educational director,² six to eight student leaders and observers, and from twenty to thirty children. Within the leader group there was no hierarchical authority, and all leaders and all children worked together on materials, the leaders doing their own work and stimulating the children to new productions by direct example. Children were free to move from activity to activity, within the same or other rooms, and to consult whichever leaders they pleased to help them. The adults tried to develop a comradely relation to the children, and since most of the leaders were upperclassmen at City College ages nineteen to twenty-two, this was not difficult.³

Our experience was that children made the first tentative approach to the leaders in terms of traditional teacher-pupil relationships, since the activities were being conducted in school workshops and classrooms, but they very quickly learned the informal pattern of the situa-

¹ The testing program was conducted by the Group Guidance Study research staff.

² Henry Paley, formerly of the City and Country School, New York

³ These students, majoring in sociology, education and psychology, were selected for previous experience in group work or skill in creative activities, and given additional training in the techniques of group guidance through a weekly seminar conducted during both school semesters by the educational director.

tion and were soon calling the student leaders by their first names.

The guidance objectives and the experiences of the leadership staff in putting them into operation are described in a report by the educational director:

Basically there is no essential difference in the techniques of directing problem boys and more well-adjusted children, except that in working with less emotionally stable children one has to be most judicious in throwing them into new situations. Whereas the normal child will meet obstacles and overcome them in his own fashion, obstacles encountered by disturbed children have a tendency to exaggerate their maladjustments. Where one would ordinarily not help a normal boy overcome these, one does by indirection inject himself into such a situation concerning a maladjusted child if sound emotional patterns are to be established. To this end, even though our leaders learned when and how to help a boy over an obstacle, the end products were genuinely each boy's own, and honest gratification was derived from the completed job.¹ Abandonment of work is a frustration which we as therapists try to offset. For instance, a boy making a shoe-shining box cut one of his end pieces askew. In assembling the box he was rather unhappy at its completed state and was ready to throw it away. One of the leaders saw the simple cause of this defeat and said to the boy, 'If you take the end off and cut it down your box will be perfect. Shall we do it?' The response to this was quick, and it did fit the box as it should.

We have found when we began this work that the slightest obstacle would dampen the interest of our more unstable boys and at times the only way to whip up the interest again was for the leaders to step in at a crucial moment and overcome the obstacle. As the work progressed the cumulative experience of the group has shown that fewer and fewer obstacles arose which could not be solved by the boys themselves, and the leaders were called upon less and less to help. Along with this general growth there has been a greater variety of objects made and the general techniques and skills have improved. This has given our leaders more time to stimulate the boys to new ventures by making new objects themselves. So that when at one center a simple boat was made by one leader, it stimulated the making of other boats of much different design and application.

¹ Of equal therapeutic value, as discovered by our family case visitor, was the effect upon the family of the child's successful productions.

In dealing with all children one should foresee where a situation is likely to lead. In dealing with maladjusted boys this is especially important because what has been nurtured for weeks may be offset by minutes of careless leadership. As time progresses we see boys developing more assurance, poise, fearless reactions and generally a pattern of behavior born of greater security. To accomplish this the leadership must be of a very fine quality, sensitive to the nature and needs of each boy. One of the young boys when he first came was so fearful and suspicious of people that if someone stopped short or turned suddenly near him, he would involuntarily cower. As time went on he lost this fear and acquired a typical behavior pattern to the other extreme of being overfamiliar and free with adults. This was due to a real personalized relationship that was established with this boy. For a while he was rather unbearable for most adults in that those he sought most he pummelled in playful manner. We feel that even this stage was a great gain, but by very patient effort to withstand this playful pummelling he finally was guided to find a real interest in woodwork and arts and crafts so that he no longer needed the gratification he was getting from the pummelling of adults.

This guidance program was operated for an average of 69 sessions, ranging from 62 to 78 sessions in the three centers, from October 1939 to May 1940. Since the average session was two hours, a maximum of from 124 to 156 treatment hours were offered. In addition to these the weekend excursions previously described consisting of hikes, museum trips, visits to industrial exhibits and points of public interest, and spectator sports such as the circus, ball games, etc., provided some further opportunities for association. The bulk of the program, however, was conducted in the treatment centers, since only a fraction of the children participated in the weekend activities.

The Measurement of Outcomes

The measurement of the effects upon behavior of this treatment program was made possible by two fund grants, one from a foundation, and the other from an individual

made to the Committee for School and Community Activities, which sponsored the study. The study was set up to analyze the effects of the program in three separate areas of the lives of the experimental group—at school, in the family, and in the treatment group itself. Contrasted with these effects, the behavior changes of the control group were studied at school and in the family group. Three different types of research program were set up to deal with the problems of the recording of behavior changes in the three social institutions.

Within the treatment groups an objective record of child behavior was kept by student participant-observers who while working ostensibly as activity leaders, maintained a daily observation record of all children without their knowledge. This was accomplished by having the observers take a passive role in the workshops, working at their own materials part of the time, observing the remainder of the time, and giving only such help to children as was directly solicited. Within each workshop there was at least one observer and usually two. Observations were recorded on a special form following a schedule which called for reports on the child's reactions to materials, adults and other children. These records were made in separate rooms provided for the purpose. Through this procedure over 3000 observations were collected and these are in process of analysis. In connection with their analysis a behavior rating scale has had to be constructed.¹

In the school situation the measurement of behavior changes was through successive application before, during and after completion of the experiment, of a behavior rating scale, the Haggerty-Wickman-Olson, by

¹ A seminar on group work recording was conducted for the participant-observers by the writer during the period of the experiment.

which teachers, without being aware of the relation of the rating to the experiment, judged the behavior of their pupils over the preceding semester. In addition to the use of this rating method, pupil records of attendance and conduct were consulted.

In the family situation, the family background factors and relationship of the child to the family were analyzed by means of family case studies conducted by a field investigator, working full time, who used a standardized history schedule, the Baker-Traphagen Detroit scale of behavior factors. Reinvestigations following the experiment were conducted on the experimental cases. Because of a lack of case work service, the control cases had to be studied last, so that in point of time their outcomes might be compared with the outcomes of the experimental cases. All of these data were subjected to statistical analysis, for which a statistical assistant was available on a full time basis.

The Outcomes of the Study

Our first findings deal with the practicability of securing the participation of problem children in such a recreation program as has been described. Initially 120 children, 60 problems and 60 normals, were invited to participate. Of these, 53 normal children and 39 problem children or 92 in all, registered. Thus there was a greater initial reluctance among the problem children to accept the invitation. Among those who accepted however there was no such further reaction to the program. Of the 39 problem children, 32 attended for one semester, and of these, 19 continued for two full semesters. Thus of 60 invited approximately one-third remained in the program for two semesters, attending an average of 22 sessions with a range of from 11 to 70 sessions. Among the normal children, 36 of 53 attended

over one semester, and 24 attended for two full semesters. The regularity of attendance was practically identical for both problem and normal children. An analysis of the maladjustment record of the problem children disclosed that those who accepted the invitation to participate and who remained the longest in the program, were, contrary to what one might have expected, the worst maladjusted in the group initially invited. Our tentative judgment on the basis of this small sampling is that if further experimentation with the method would sustain the ratio of a two semester participation of one out of every three problem children invited to share in the program, such a program ought to have practical implications for a wider application.

A second finding deals with the possibility of operating such a program without its publicization as a "reform school" for problem cases. Our experience is that with proper understanding of the objectives of the program by principals and supervisory staffs, this is entirely possible. We have successfully operated it in three centers serving four public schools without having the groups stigmatized as being treatment groups. The children themselves were not aware of any differences in the groups from other recreational groups. Early in their history, in one center, one boy proclaimed that this must be a group for delinquents because he was on the truant roll. But immediately he was silenced by another boy who proclaimed that he was on the honor roll. The inability of the children to define the situation in terms of any special characteristics of all the group members safeguarded the anonymity of the experiment. We regard this as a necessary condition of treatment, that problem children shall have a feeling of belonging to a normal group.

Only in one school which had to be dropped from the

experiment did we learn what unfortunate results may develop from an unwise publicization of the therapeutic aspect of the program. In this school a semester intervened between our initial experiment and the final setup. During this period a visiting teacher decided to operate a similar program and enthusiastically talked up a treatment group among all the teachers. Just at this juncture we returned to operate our own program, not knowing what had happened. From a daily attendance of from 30 to 40 children during the first experimental period, our attendance dropped immediately to 5 or 6. Children coming to our program would be greeted on the staircase with the jeer, "Yah, you're going straight!" I cite this experience to indicate that the successful use of this method is predicated upon absolute cooperation among school authorities and treatment workers.

We may now consider the effects of the program upon the behavior of the children in the treatment groups at school and at home. Our analysis of the behavior changes in the program itself is incomplete and we can only say, as did the educational director, that day by day work with individual children showed positive evidences of personality growth and gains in emotional security. A later report will deal with this whole aspect of the outcomes.

The behavior changes in the school situation are based upon the study of 130 children; of 65 experimental cases, 40 normal and 25 problem, compared with 65 control cases, 40 normal and 25 problem, matched case for case for sex, race, age, intelligence, educational achievement and mechanical aptitude. The behavior changes of these two groups during a period of one semester of exposure of the experimental group to the treatment program have been measured by means of the Haggerty rating scale. It should be borne in mind that in this

phase of the measurement we are studying the effect of transfer from one social situation to another, that the situation within which the behavior modification was undertaken consisted on the average of no more than 50 treatment hours, and that the situation within which a measure of change was undertaken comprised 500 hours of school attendance. Under the circumstances it is perhaps too much to have expected that the results would show behavior gains by the experimental group. Favorable results, however, were obtained.

The teachers' ratings of their pupils' behavior showed that many, both in the experimental and control groups either did not improve or grew worse in their total behavior, but the proportion of *experimental* cases who improved in their behavior was greater than of the *control* cases. Seventy-six per cent of the control cases did not improve or grew worse, whereas only 52 per cent of the experimental cases did not improve or grew worse, and 48 per cent of the experimental cases improved whereas only 24 per cent of the control cases improved. The greatest gains among the experimental cases were for the most serious types of delinquent behavior. The percentage of experimental cases reported as displaying truancy, stealing, imaginative lying, sex behavior, and writing of obscene notes, after one semester of treatment, dropped from 24.8 to 18.6, while the percentage of similar behavior among the control group increased during the same period from 24.8 (coincidentally the same as for the experimentals) to 33.3. Thus while at the outset of the experiment both groups were reported as displaying the same amount of serious conduct disorders, after one semester the controls were twice as maladjusted as the experimentals. We find this change to be statistically significant, the probable error of the average being 9.13, the standard deviation. In other

words, repetitions of this experiment should in a very high percentage of cases produce the same results.

We may ask of the effect of the program upon the normal children. Here we find that creative activity appears to be helpful to normal children as well as to problem children. Among 40 control normals, 15 boys grew worse during the semester to the extent of a 14 point increase or greater in the Haggerty score, but among 40 experimental normals who participated in the program, only six boys grew worse to the same extent. Eleven experimental normal children actually improved, and only 5 controls did likewise.

Another finding of extreme interest is in the direction of the qualitative change in classroom behavior. As has been stated, a hypothesis basic to our study is that delinquent behavior is correlated with emotional insecurity. In terms of this hypothesis, hostile behavior such as temper outbursts, bullying, defiance of discipline, is regarded as less indicative of emotional insecurity than is evasive behavior such as imaginative lying, truancy, stealing, cheating, unnecessary tardiness. From this point of view we regard it as significant that the experimental problem group gave up much of its evasive classroom behavior in exchange for hostile behavior, while no such pattern was discernible among the control problem group. This partial change in the classroom behavior pattern is taken to be an indication that these children transferred to the classroom the increased emotional security given them in the treatment group, and were able to substitute directly aggressive for deceitful forms of compensatory pleasure. (In this connection, it is interesting to note that the experimental problem group increased markedly in its school attendance and punctuality as compared with the control problem group.) This, of course, raises several interesting questions. Why did the

classroom not give these children more security in the first instance? And how are teachers going to make use of the increased emotional security of these children? Will they allow them to display this hostility and rework it into something constructive, or will they repress the children again into their former pattern of less overt hostility and more cunning evasion?

We come finally to the study of the behavior changes of the children in the family setting. We have not completed this phase of the study and have materials available only upon a portion of the experimental problem group. The family backgrounds of 20 problem children were studied from the Baker-Traphagen schedules prepared on a larger group. The economic status of 7 was comfortable or better, 6 were marginal, 7 were dependent upon relief. Fourteen homes were broken, 17 mothers were high-tempered and whipped the children, 12 problem boys were rejected at home, 10 mothers reported themselves as very ill, 8 parents offered no guidance. Seventeen boys had a strong dislike for school and 13 had a strong dislike for teachers. Thirteen boys were rarely in the home, 8 had irregular sleeping hours, 12 displayed outstanding emotional disturbances, 5 attended the movies more than three times a week, 8 had prior recreational affiliations. Certainly these were not family backgrounds within which much behavior improvement might have been expected by transfer from a group recreational program!

Yet our preliminary study, based upon the recheck of seventeen personality items on the Baker-Traphagen scale indicates much improvement. The items studied by the field investigator during the first case study early in the treatment period, and then restudied following the treatment period, were: present self-care, home duties, eating habits, time of sleeping, dreams, later recreational

facilities, playmates or companions, anger-rage-revenge, fear-dread-anxiety, excitement-shock-uneasiness, interests or hobbies, initiative and ambition, general behavior, attitude toward home, school attendance, scholarship, attitude toward school. The total scale consists of 66 items, each of which may be scored from one to five, in ascending order of adequacy, as guided by a comprehensive volume comprising a manual of directions for use of the scale. The seventeen items used for the recheck of behavior had a minimum score of 17, one point for each item, and a maximum score of 85, five points for each item.

Analysis of the behavior changes as reported by the families, on the Baker-Traphagen scale showed that there was for these 20 boys an average improvement of 7.5 points. Seven improved by 11 to 14 points, seven from 5 to 9 points, and four by only 1 or 2 points. One boy retrogressed by one point. Viewed in terms of clinical study of the entire case of each child, seven boys made very positive personality gains at home, seven made some gains, and six made very slight or no gains.

In conclusion, may I repeat what I have already stated, that these findings are tentative, incomplete and based on a small sampling, but their results are in the right direction and encourage us in the belief that we should continue in this type of experimentation in the group activity treatment of problem children.



Using the Group in Probation Work

AMEDEO W. TAIANO

*Westchester County Department of Probation,
White Plains, New York*

I AM going to talk to you about an experience—a most satisfying experience! I offer it to you not as a criterion nor as a panacea for juvenile delinquency but as a story of what happened to “seven little bad boys” whose attitudes began to be molded by honest, unselfish, neighborly thinking. After their referral to the children’s court these little fellows from seven to ten were found to have a gang in the inevitable “across the tracks” area, the slovenly ill-kept tenement area with nothing but congested streets for children’s play. The boys were placed on probation. They were asked if they would like to do something about their situation, a situation created by environmental factors which did not teach that respect for others is learned by living under conditions which demand practicing respect for others.

These seven little boys were not the entire gang, so we set about to interest some of their friends. We soon observed that not only with the original seven boys but with many others lack of constructive leadership had resulted in attitudes which led to malicious habits. They were considered as something apart from other children of the city. There were no groups organized to interest these children in wholesome activities. The school was the only agency that had a wholesome outlet for the children and this was accepted in some instances only because of legal regulations! Spiritual training bore no deep-seated interest.

Here then was an area popularly termed a "delinquency area." Little was being done to encourage the children in becoming socially adaptable. So with the seven boys on probation as a nucleus a boys' club was organized. Membership was opened to a few boys not on probation but this additional group had to be limited as the project was a volunteer one on my part and separate from my regular duties as a probation officer. My objective was that programs should be developed with the use of individualistic techniques to further character development in spiritual, cultural, creative and personality phases of the American way of life. It was a task to discourage the children's attitude that "No one is interested in us," and "Oh, we are just kids of the slums." They needed an awakening to the realization that they were an important part of America. Every opportunity was given them to follow good leadership, those who were "followers" were encouraged to be good followers. All were encouraged to use their particular aptitudes for their own and the community's benefit. Thus a building up process was attempted through encouragement and the utilization of the individual's aptitudes. With a minimum of corrective measures the ultimate goal of creditable American citizenship was to be achieved by the children themselves through their own daily activities. Each occurrence or activity of the group has been developed not as an isolated episode in their lives but rather so that it would be an important and integral phase of a continuing experience.

The training of the club members has been along the same lines as those for children under the supervision of the probation department. Behavior manifestations and their causative factors have been diagnosed and analyzed. Treatment has been with the objective of encouraging the child to control personal impulses in

the interest of others and to act responsibly within the framework of the school, the home, the church and the community.

I have told you the beginning of the Y Rangers Boys' Club. Now I want to explain some of the methods employed to broaden the club members' outlook on life by developing in them a sense of social security and a realization that creditable citizenship is the result of consistent effort and planning.

The Neighborhood Clubhouse

A major activity of the group has been acquiring and personally developing a neighborhood clubhouse all their own. It has been the focal center of operations, a major influence in their plans. It has been the center for activities, and nightly meetings have aided in clarifying objectives, inspiring the members to new determination and new efforts.

When we organized we had only the use of the YMCA swimming pool and one of their clubrooms weekly. The boys were given a free membership for swimming privileges and this early interest in the White Plains YMCA has been a vital factor. The YMCA had previously been an imposing edifice wherein *other* children seemed to be enjoying themselves. But beyond permission for an occasional dip in the pool no effort had been made for the children of this particular area to enjoy the facilities of the Y. So with this new interest the YMCA became suddenly not only a building but an interesting organization, and down through the years club members have been very proud of their affiliation. They no longer accept free membership but pay for it by their own efforts.

I also met frequently with them at their homes or in cellars or empty barns; sometimes in front of one of the

homes sitting on the curbstone, or in the backyard. This latter was not a very inspiring arrangement, what with trucks zooming past and groups of children crowding to determine what was going on. But a glance at the secretary's minutes of the past shows very few absentees at the meetings. Then a neighbor lent an empty room wherein was born the first clubhouse. The boys fixed it up, developing a pleasant meeting place. This was short lived, however, as the neighbor moved. We could not secure the use of the room any longer except at an exorbitant rental. The boys scoured the neighborhood but could locate only an old shack which had been a chicken coop in a town three miles away. This could be used during the spring and summer so the lads fixed it up into a fairly presentable little hut for week end hiking.

Suddenly the donor of the shack decided he had other uses for it. Do you think these boys gave up? They did not! Right in their own neighborhood stood a dilapidated windowless shack. It had been for some time past the meeting place and center of some of the deprecations of the area. They now had twenty-five dollars saved from their weekly dues, which began at two cents and were voluntarily increased to five cents. This was money earned by selling newspapers or caddying. The local Kiwanis Club donated seventy-five dollars. The boys, with several of the fathers, undertook alterations. By appeals we furnished the clubroom with books and games and even outside with shrubbery. Thus we built the Y Rangers Lodge. In the heart of the tenement area we slowly built our little one-room brown hut trimmed in red, with several little evergreen trees in front. You can imagine the satisfaction and inspiration this was to children and parents! It was put into constant use from after school until nine o'clock at night as a reading, game

and meeting room, and is developing into a neighborhood center.

We soon outgrew the clubroom (we now have ninety members). With money accumulated from the weekly dues and funds raised through an entertainment made up of dramatic skits, a room was added by the labor of the older boys and the fathers. Late last spring the original renovated hut began to collapse and so again alterations commenced; after months of work by several fathers and mothers and boys during which all club activities continued unabated, a fine two-room clubhouse developed. When as a result of the continued drain the funds gave out, rather than appeal to the community, each member agreed to donate the cost of three moving picture shows and thus the alterations were finally completed. Now the boys are planning to construct underneath the clubhouse a little gymnasium. The year 1940 ended with a deficit, the first in our history of six years; each boy agreed to contribute the cost of one moving picture show a month for six months in 1941.

The group of boys is now divided into four units, Midgets, Juniors, Intermediates and Seniors. One night each week a unit meets for its formal meeting. Immediately after school hours a member opens up the clubroom; it remains in use until nine o'clock on week days and nine-thirty on Saturdays. The children come and go as they wish, reading, playing games or listening to the radio. There is a minimum of damage and the clubhouse is left open even if no one is in it. Incidentally for the year 1940 the amount of money spent for repairs as a result of such damage as broken windows and the like amounted to less than ten dollars. The clubhouse is lent to girls of the neighborhood once weekly for activities of their own; coed parties are fostered; parents come in for consultations and craft classes are being organized

under leadership of the boys themselves. The clubhouse is developing as a neighborhood center and through it habits of industry, thrift and self-sacrifice are fostered.

Dramatics

In the summer of 1934 the group of twelve went to a summer camp for a week through the generosity of a civic club. This was a new and startling experience; you can imagine the tremendous influence this initiation into life in the open was to these youngsters. They had gone suddenly from an environment which tended to discourage wholesome thoughts and actions to a camp with its stars and spaces, hills and valleys, rivers and lakes, plants and animals. One lad away from the noisy city streets for the first time complained that the crickets kept him awake! This experience created the desire to go again, but habits of self-reliance were developing and the group did not care to depend upon donations for camp. Last summer eighty-five children including some of the neighborhood girls went to a summer camp for recreation and social training in this way. Since 1935 each year an amateur series of playlets is presented. Many of the boys' activities were here reenacted and their first entertainment was an original three act play. The first scene depicted the formation of the club and in their own boyish way they retold their experiences before the club was organized. The second act was an anniversary meeting in which excerpts from the secretary's minutes for the year were read while they were reenacted on the stage in the reciting of poems or singing of songs. At the end of the second act the secretary observed that a member had gone to a hospital for physical buildup so they decided to raise money for all to go to camp and forestall any similar hospitalizations. The third act, a simple little playlet, was in theory their camp fund benefit.

Graphically the transformation that was occurring from a neighborhood gang to a neighborhood boys' club was portrayed. Our dramatics utilize each child as much as possible so that coaching provides real training. This year each of the units had one skit. The Midgets numbering nineteen small boys from eight to twelve years, had a skit for only seven actors. Reshuffling the parts and pruning some of the speeches enabled nineteen enthusiastic little boys to take part in the show.

We have many unique experiences in our dramatic activities, some more disturbing than interesting. In planning rehearsals one must consider those who caddy or shine shoes or sell newspapers as all want to be a part of the show. Sometimes rehearsals are forgotten or a boy may become intractable. Last year while preparing for rehearsal after church a boy insisted that he must go caddying, so the group agreed after much debating to meet at night, the rehearsal to be completed in time for the movies. However, this boy neglected to appear. The displeasure of the group became consternation with the announcement that unless this boy was secured their skit in the play would be discontinued. Half a dozen boys rushed to the moving picture house, the usher permitted search for the boy, and in twenty minutes a very chagrined youngster came back to the club-room for a rehearsal.

The rehearsals began in the height of clubhouse alterations so the various homes were utilized—homes in the heart of a tenement area, overflowing with children and crowded with furnishings. But think of the zeal that fired such enthusiasm!

The result was a most successful performance, dramatically and financially. Standing room was not available at the school auditorium where we held our play. One newspaper editorialized as follows: "Those in the

audience who know something about the origin of this group will appreciate that a drama within a drama is unfolding before their eyes. More dramatically than any play could do, this performance will illustrate what that rather abstract term 'character building' can be made to mean. These children are getting practical lessons in the art of self-help, fair play and respect for the rights of others. If events in Europe have stirred your concern for the future of democracy and your interest in what part youth can play in its preservation go to see this serious well-planned effort of children who are learning the qualities which will make them better citizens tomorrow."

Religious Training

The club was set up as definitely nonsectarian, members of the Roman Catholic, Protestant and Jewish faiths being welcome. The religious convictions of these children had little significance as a vital force to direct their daily relationships. All were encouraged to see that religious training did not stop with the functions of their individual church and Sunday school, but reached into their relationships at home as well as at school and at play. Attendance at church or Sunday school was encouraged not by a fear of consequences for having broken any of the club objectives, but rather by an awakened desire to include God in all their planning. The nightly meetings begin and end with prayer, the children being encouraged to compose prayers. Recently a Midget delivered his own invocation before a gathering at a YMCA dinner.

A Presbyterian minister has written us, "I cannot refrain from expressing my admiration and commendation for the things which have been accomplished and have brought forth such good fruit. Your addresses from

the pulpit of our church have been enthusiastic and sincere; I am assured you are not only interested in their physical development but also in their spiritual development and that they are increasingly learning the spiritual values of life." A Catholic priest advised, "Your zeal for the boys under your care has edified me and is an inspiration to me in my own efforts to serve our people. The physical, material, moral and spiritual good that is being done for these boys is to be sincerely and greatly commended." A Methodist pastor having heard a Ranger talk on the value of assuming responsibility delivered a sermon on the "Wisdom of a Y Ranger."

Summer Camp

I have told you of our boys' first experience at camp. Camp was not developed as a major activity for its fun, but rather because camping is an experience in playing and working together in an atmosphere where work and play are one. It is rich in opportunities for social and physical development.

The camper guidance reports have aided direction of the child's activities during the winter months. These reports have indicated constant improvement in ideals and attitudes of good citizenship. Camp experience has developed boys for employment at other camps. Three were selected for dishwashing jobs at one camp, three as table boys at another, while one boy was made a junior counsellor and one a senior counsellor.

One camp director commented: "You raised the question of what camping has done for the Ranger Club group. We made a study of this and found that they showed development in leadership, cooperation, acceptance of responsibility and ease in making friends.

"Their health improved and they had more emotional

stability. They showed self-confidence and self-reliance. The group of Rangers have an advantage in that they have made individual and group contributions to the activity program and they regard the camping as something won or achieved."

Physical Welfare and Hygiene

Personal hygiene and standards of health have been an objective. Health and its relationship to their future have been interpreted; sex hygiene has been encouraged; eyes, ears and teeth have been frequently examined. Now a dental project is under way with the help of local dentists so that expense can be divided by assessments from each child, and a contribution from the club treasury.

Many of the children needed physical building up. Our county health department tuberculosis division arranged chest x-rays for each child. Many needed continued observation and some needed hospitalization. Twelve children and one parent were found to be in need of care due to malnutrition and general physical debility. They have since returned home in splendid health. One of the boys who spent over a year at the tuberculosis preventorium is now an outstanding high school athlete.

Another phase has been the friendly cooperation of local physicians, who without any financial compensation have attended to various ailments, such as minor accidents, colds, sores, and the like. On one occasion three boys were seriously in need of tonsillectomies but as their families were not on relief this created a problem. The money was loaned from the club treasury; it has since been repaid from the boys' earnings by caddying or other small-boy activities.

Becoming a Y Ranger

Another problem has been our inability to accept all of the children anxious to join. Naturally it would be unwise to encourage a membership which would not permit an individual approach, so our additions have been gradual and as time permitted. After the Y Rangers first camp experience and the development of other activities, a rival group of boys, enemies of the Rangers, began to inquire "what one had to do to be a Ranger." A few of them were invited to call, eighteen arrived. They were invited to join, being advised that inclusion with the regular group would be a great help to all because of their own particular abilities. The Rangers did not accept this plan readily but they were won over by the explanation that here was an opportunity to utilize their club experience in encouraging the new boys without assuming a sense of superiority. Since then many other boys of that area have been voted into the Rangers Club, and much of the old rivalry has disappeared. What remains is not destructive but competitive.

YMCA Affiliation and Guidance

The YMCA of White Plains extended free membership privileges for the use of their pool, and a meeting room once weekly. Many of these boys came from homes without a bathtub. The boys had to take showers before going into the pool, but in their haste they would not wash themselves thoroughly. The problem was presented to the boys and then this arrangement was effected. One boy served as inspector. I have seen boys soaping themselves vigorously for a goodly portion of their allotted time before being permitted in the pool. The boys soon decided to pay for their swimming privileges, and a very low rate was granted by the Y. During

the winter the club, now grown to ninety children, has two nights, one for a swim and one for a gymnastic period, the Y physical director arranging games under the boys' leadership. They also have coed parties there, and the YMCA officers and lay members have been most considerate and helpful.

The School and the Club

At the conclusion of each school period, report cards are discussed individually, the relationship of achievement to effort being stressed. This encourages each child to see the value of effort at school. Conferences are held with the principals and instructors periodically, and evaluations by instructors are requested occasionally of the attitude, effort, conduct, and work of the child. Now a project of especial significance is the vocational testing of every club member in the ninth grade and above. The school's guidance administrator has cooperated in arranging a battery of tests and making the profiles and interpretations which will permit a more intensive guidance program. He commented, "The activities of the Y Rangers Club have been most helpful to the schools of White Plains in a variety of ways. Through the leisure time activities and the very definite emphasis on character and personal conduct a number of potential problems and a number of delinquencies have been prevented. Members of this club have nearly always conducted themselves properly both in the school and outside and have been reliable and conscientious students on the whole. In placement work the cooperative arrangement has worked very well. We are always able to call upon the club for boys to fill incidental odd jobs and we have many times sent boys directly from school to jobs which the director of the club was able to find. The club has given the boys a definite sense of belonging

to a constructive and growing group in the community. Working with boys nearly all of whom are from foreign language homes, it has had a clear and definite influence in what is best termed Americanization. Sportsmanship, citizenship, self-reliance and personal honor are constantly stressed, both directly and indirectly in the activities of the club and the results are clearly visible in its members. Truancy and other related difficulties have been very rare among members of this group."

Athletic Activities Promote Sportsmanship

Our boys have entered various seasonal sports, although they have never had a coach and I have no athletic ability. Lack of sportsmanship has sometimes been shown but self-control is gradually improving and less emphasis is placed upon winning games for the sake of winning. It was not uncommon in the beginning for a group playing a game to become dissatisfied with a member of the team and walk off the field or demand that he leave. The club members enter teams in the City Recreation League and this past season one of their basketball teams, self-coached, won twenty-four games and lost none; and they had some fine football teams last winter. The Cub-Midgets won the City League baseball pennant, and the club has won a football pennant; they have also lost many games. At present there are five baseball teams and applications for three others! Time and facilities are lacking just now, so those who are not actively on a team are encouraged to aid in every way possible in developing the other teams.

Occasionally a boy because of some censure, decides to quit. The club members may want him to discontinue all club activities at least for a period of suspension. This of course we try to discourage and every effort is made to induce the child to return to the fold.

Cultural and Self-Government Development

I have told how gradually we increased to form the Midgets, Junior, Intermediate and Senior groups; now a Cub pack is to be developed. Each unit meets one night weekly, the formal gathering of the week at which parliamentary procedure is encouraged without limiting natural boyish freedom of expression. Each has elective officers, so we have four presidents, four secretaries, four vice presidents, four sergeants-at-arms and four treasurers, elected twice yearly. There are a supervising treasurer and assistant to audit books monthly. Each secretary prepares weekly meeting reports covering current events and topics of general interest including hygiene, stories are told and poems recited. There are singing and discussion of club problems; frequently each child selects a task to carry on. Speakers are invited to discuss their particular vocations.

The meeting is essentially an open house wherein each child develops some poise and sociability. It also fosters fraternal relations among members. Enthusiasm for formal meetings runs high. On last Lincoln's birthday forty boys made a trip to New York City visiting the zoo, a museum and the Hayden Planetarium on a bus chartered at a modest cost so that the entire trip for each child was forty cents. On the way home after such an exhausting day one youngster shouted and others joined, "Mr. Taiano, we will get home just in time to start our meeting."

Habits of Industry

We have made development of habits of industry a big objective, explaining that application at school, at play, or in home and club duties is reflected in later life. To this end we have secured for those of legal age part

time jobs which would not interfere with their physical or school requirements, such as cutting grass, cleaning cellars, washing dishes at camp, running store errands. To everyone who purchased tickets for the recent annual entertainment we sent a little card entitled, "We Want to Work," on which was briefly noted the reliability and dependability of certain of our boys to complete such tasks as these. With the card went a letter telling that the support given the efforts of these boys for two weeks of summer camp had encouraged their learning habits of industry and pride in accomplishment, two of our big objectives. The result has been gratifying. The selection of boys for these jobs is not based primarily on financial need because all are from families whose budgets need bolstering, but upon the boy's attitude in completing a task, in club routines and at school. Several permanent jobs have resulted. Some who go to work on farms in the summer have continued to work during the winter months on local estates after school hours.

One such employer has said, "For years now I have employed two or more of the boys, either at my farm or to help on the grounds of my place in White Plains. All my men have remarked upon the industry and attitude of these boys towards their work. They have shown responsibility and honesty and remarkable cooperation, and it has been particularly gratifying to me to watch the progress of these boys. They all feel responsibility for this club, and realize that their actions will affect the whole life and reputation of their club."

The Club and the Community

Community consciousness has been another objective. Men and women in various fields have frequently been invited to our clubhouse meetings; the children in turn have prepared programs for city groups and hospitals.

Recently fifteen boys, a few from each unit, presented a program at our local Rotary Club, which has been a tremendous help for years, not only financially but socially. The Midget president led the meeting; one Midget gave a self-prepared invocation. After group singing each boy told simply of his contribution to the club. One told of his interest in art and of encouraging an art class in the club; one of conducting hikes and parties. Thus in a simple way a panorama of the club's objectives was laid before the men. The appearance of the boys in public is always effected with a minimum of self-consciousness, and frequently remarks have been made on their poise and business-like conduct.

Club members have made small contributions to the Community Chest and Red Cross drives and have aided in addressing and mailing the Christmas seals of the Tuberculosis Association. They give a prize yearly to the graduate of a local junior high school, not necessarily a club member, who according to the instructors, has made the greatest improvement in character development. This prize is in memory of a physician who had been friendly with these boys for years before his death. This year each member agreed to donate two cents weekly to the YMCA annual financial appeal, a total of \$88.40.

Last year when it came time to send notes of appreciation to individual donors to the club program a novel idea developed. Instead of a commonplace letter, the boys issued and distributed the "Y Rangers Recorder," a simple eight page mimeographed newslet. The activities of the year were described and illustrated by caricatures.

When the club was organized the developing processes were under the guidance and encouragement of the case work supervisor of the probation department, and frequent visits were made by the judge and the director of

the probation department. The annual prize arousing keenest competition is the good citizenship award made personally by Judge George W. Smyth of the Westchester County Children's Court. The presentation is a thrilling event to the parents as well as to the boys. Out of the interest of these sponsors and other citizens and groups a board of advisers developed to be incorporated soon as a board of directors.

Who can place an economic value on what has been done for the seven little fellows alone, whose mischievous dispositions were the original cause of this club's formation? Add to that what has been done for all of the boys who, by the influence of the club, have been guided through their tender years without being allowed to even think along mischievous lines, and the accumulated results loom very large.

The Girls

Inevitably girls enter into all situations, and this club is no exception. From the outset we were besieged by friends and relatives of the boys to form a girls' auxiliary. Finally three years ago a girls' group, the "Rang-erettes," was formed. Leadership was enlisted from the various women's organizations. The girls make use of the YWCA clubrooms and swimming privileges. The boys lend them the clubhouse for an afternoon and evening weekly. Many social mixed activities are arranged and occasionally coed clubhouse cleanup squads are organized.

On two occasions the girls were invited to be a part of our annual entertainment, though this year the boys decided to have an all-boys' show. The girls are to prepare and sell refreshments at this year's entertainment for their own treasury.

Although the girls' group is in the embryo stage there

are indications that they will develop the same type of club as the boys have.

Measuring Results

In 1940 the entire cost for operating this club was \$2500 of which \$1700 was raised by the boys themselves from dues, their personal donations and proceeds from their entertainment. Of this \$2500, \$500 was spent for alterations to the clubhouse, the balance went for general club activities such as YMCA memberships, camp vacations, parties, hikes, and miscellaneous items. There are no expenses for salaries. This year the budget is for \$2000 and the boys will raise the same proportion as last year.

Not a single project has been undertaken without interpretation to the children of its relationship to other projects. Individual and combined initiative it is pointed out result in personal and group social development. Since its organization in June 1934, not one member of the club has been referred to the children's court or to any other court. Not one child in active membership or who has resigned has been committed to a correctional institution. Not one boy has been discharged from the club, as correction has been used rather than punishment. During these seven years we did have a total of five boys, who discontinued membership in our club because of refusal to observe the self-imposed standards. They resisted all efforts to interest them in rejoining. Subsequently they became individually involved in various serious acts of misbehavior resulting in their appearance before the children's court. In each the psychiatrist found such evidence of social maladjustment that commitment to correctional institutions was recommended. However probation was approved, and it is interesting to note that the parents in each instance asked for the return of the

boy to the club, and because of good supervision adjustment has been excellent. All but two have since been discharged from probation.

We recently inaugurated a merit system. When the group discussed a key for the number of points or merits they were asked how many demerits should be given for an act of stealing. Immediately several hands rose for permission to speak and one boy declared, "I don't think that should even be included in the list. We understand we mustn't steal, so why even have demerits for it?" Another boy who had been a serious behavior problem for years observed, "Somehow I can't steal any more. When I go to take some little thing, something inside of me tells me not to do it. I never used to be that way."



The Citizenship Training Program of the Boston Juvenile Court

KENNETH I. WOLLAN

*Director, Citizenship Training Department,
Boston Juvenile Court*

PROBATION as a system of correction and rehabilitation has an indispensable place in our administration of criminal justice. It is looked upon generally as the most promising single device developed in the last century for the handling of the offender. Even a cursory review of probation history, however, will reveal what a rough untried tool it really is. It is somewhat like the overgrown adolescent boy who has been so much preoccupied with physical growth that he has had little time to settle down to the steady development necessitated by adult life. As Sheldon Glueck has said: "We are still essentially at the stage of extensive rather than intensive culture of this promising and relatively economical type of correctional work. The next stage of development must be marked by a widespread effort to cultivate the soil of probation more intelligently and intensively. This can be done through the conscious evaluation of various arts and sciences (for example, social case work, psychology, mental hygiene, education and the like)."¹

The citizenship training program of the Boston Juvenile Court has been essentially such an effort at intensive cultivation of the soil of probation, recognizing that its deficiencies are not so much inherent defects as problems

¹ John Augustus, *First Probation Officer* (reprint of *Report of John Augustus* Boston, 1852) National Probation Association, 1939, p. XXV

of growth and expansion. A brief review of some of these developmental problems may serve to indicate the task which Judge John F. Perkins initially outlined for our department.

The Problem

It is candidly admitted by court officers that probation, as it operates today, is primarily an *investigative technique*. This of course is where it had to start. Placing facts about accused persons before the judge is one of the real contributions of the probation officer, but this is only the first step. The imposition of a suspended sentence is the crucial opportunity for carrying out the larger intent of the probation law. Treatment must and will eventually claim the major effort of our probation departments when we have provided them with adequate facilities and staffs.

Early in his experience in the Boston Juvenile Court, Judge Perkins recognized a kind of *pretense* in carrying out the ideals of probation. When a boy was placed on probation he was informed that his activity was being supervised for a definite period. Many times, however, nothing happened. Except for a weekly visit to the probation officer the boy usually did not experience the alleged supervision. He pursued the usual course of his life, even continued in his delinquencies. Instead of producing the corrective effect intended, probation merely served to accentuate the boy's belief that he could get away with things and that supervision really had no teeth. The false claim to supervision tended to crystallize a disrespect for law and courts.

Another characteristic of the growing probation system is the *faddism* which creeps into it from time to time. In searching for an effective methodology the

worker frequently takes up a single tool to the exclusion of all others. With some, club activity became a cure-all and the general run of probationers went into this type of program. Athletics, religious training, psychiatry, foster home care, family case work, and public welfare, all have served as single corrective techniques, usually to the embarrassment of the proponents of these techniques who themselves best realized the limitation of their own devices.

In its enthusiasm for a new and promising method of handling the offender, the public imposed upon the probationer officer the function of a wonder-worker who could reform any unselected group of delinquents. A five minute weekly talk with a person was supposed to bring about reformation of habits developed over a long period. The community looked to the probation officer as one who could work miracles with a boy after school, family, and clubs had failed, seldom realizing that the worker frequently inherited the most discouraging failures of society. A disillusionment developed on the part of the community which eventually realized that probation as a system had marked limitations; and a disillusionment developed on the part of the probation officer who frequently wore his heart out on material that had little promise.

The Plan

High regard for the promise of *effective* probation and an objective view of these developmental problems brought into being the Citizenship Training Department as part of the setup of the Boston court. Our task was to serve directly as an agent of the probation department to carry out in collaboration with it a plan of service which would do the best possible job within the known limitations of delinquent material and community re-

sources. We had no bias as to method, we had no commitments as to results. Our only guides were a few principles which several generations of corrective effort had left us.

1) There must be no segregation. Our task was to make the boy feel he belonged to society, not that he was an alienated culprit.

2) There must be no stigma. Whatever we did we must avoid the hazard of impressing the boy that he was labelled, and destined to carry damaging identification marks the rest of his life.

3) There must be a concerted effort to work with a boy at the earliest signs of difficulty.

The plan devised was simply this. Headquarters were found in an old, well-established agency, the Boston Young Men's Christian Union which is located about a mile from the court. All boys between the ages of twelve and seventeen placed on probation were required to attend for eight weeks between four and six o'clock on school days at this center. These boys and the staff became known as the Citizenship Training Group. The leaders were permitted to employ any methods or devices to get a picture of the boy and his needs and to assist the probation officers in setting in motion a corrective program. Though attendance was compulsory and certain duties were required, an informal club atmosphere was established as a favorable medium in which to carry on this work.

This setup is advantageous at several points: 1) it allows us to work with the first offender; 2) the name, headquarters, and activity convey no stigma and involve no crippling segregation; 3) we work with the boy while he lives at home and attends school and thus are able

to avoid disturbing the normal routine of his life, at least in the preliminary step.

A discussion of the specific means used in diagnosis and treatment can be found elsewhere¹ and therefore will not be dealt with here. From an administrative point of view Judge Perkins tied his work into the existing community agencies by means of an advisory committee representing the City Wide Boys' Workers' Conference, the Boston Young Men's Christian Union, the Judge Baker Guidance Center, the Boston Council of Social Agencies and the juvenile court.

He also called for an evaluation of techniques, standards, and results to be made in 1943 after five years of study. This committee was made up of six individuals representing a diverse range of professional interests: mental hygiene, social work, education, sociology and psychiatry.

Results for the Boys

Though five years is not a very great length of time in which to organize and evaluate a procedure, we are beginning to see a few results of the plan. The conclusions stated here are not the result of sophisticated statistical calculations but the product of a careful, continuous self-criticism and evaluation of the evolution of the various stages of our procedure. The judge, the probation officers, the staff of the Citizenship Training Department, and scores of workers representing a wide variety of professional interest and experience have contributed to this appraisal.

Any evaluation must begin with an inquiry as to what

¹ George E. Gardner and Kenneth I. Wollan "The Activity-Interview Method in the Study of Delinquency" *American Journal of Orthopsychiatry* January 1941
Kenneth I. Wollan "A New Treatment Program for Juvenile Delinquents" *Journal of Criminal Law and Criminology* March-April 1941
Kenneth I. Wollan "The Use of Group Activity in Probation Work" *The Offender in the Community* Yearbook National Probation Association 1938, p. 240

happens to the boy. The followup studies are now being planned and the work of an impartial evaluation committee which is to report in two years, will reveal more specific facts along this line. But all those directly concerned have been convinced that certain things have happened to the boys.

There is a change in attitude. We cannot hope to remodel the long established habit patterns of an individual in eight weeks but we have seen perceptible changes which may have life-long ramifications. Attitudes of antagonism toward school, home, court and self have frequently been modified by patient handling and have developed into a sincere effort at understanding the world in which one must live.

The time and manner in which a boy changes his point of view have become one of our measures for gauging our effectiveness. We now know that it ordinarily takes about two weeks to thaw a boy out to a point where honest effort can begin. The change of attitude comes about gradually, seemingly only after the boy has convinced himself that at the Citizenship Training Department there is a group of men who are interested in his future progress, not simply in his past misdeeds. In those cases where the attitude has remained fixed throughout the eight weeks we have been suspicious of a real criminal pattern and experience has proved that our suspicions have been warranted.

There is a more ready acceptance of specialized treatment. One of the most vivid results of our experience has been the emphasis on preparation which we have found necessary before a boy could be referred to another agency for treatment. Frequently we have found it quite easy to determine the right treatment but very difficult to get a boy to accept that treatment. This applies to foster home care, psychiatric treatment, even to club

activity. Success in these agencies has been directly proportional to the care and skill used in preparing the boy for the transfer. No amount of expert service in the agency itself has been of any avail if a boy went there resistively.

This fact suggests the vast amount of preliminary work which is necessary with delinquent boys before the existing agency resources of a community can be called into action. It has determined one of the main functions of our organization, that is to provide the transition from the court to the community agency which is to undertake treatment.

There is a continuous voluntary return to the Citizenship Training Department after the probationary period has terminated. We have found that thirty-three per cent of the boys who have been through our setup return voluntarily. Some come back to ask for additional help, some to tell us about successes in jobs or school. There are others who simply come in to talk, but who in the course of conversation reveal problems which need additional attention. What this seems to indicate is that there is a need for a point of reference to which the boy can turn when pressures and problems become annoyingly heavy. This point of reference must be available without the red tape of appointments, and it must have the designation and reputation of a center which can be turned to when trouble is brewing. Only rarely do we act as the treating agency. We serve primarily as a reference point where boys may objectify problems and learn where special service is given. In probation we are dealing with boys who have many pressures and problems and it is important for them to have a place where they may clarify from time to time some of the difficulties which arise after probation supervision has been terminated.

Results for Probation Officers

These are some of the results as far as the boys are concerned. Now what are some of the results for the probation officers?

The probation officers uniformly report that boys are easier to handle while on probation after the eight weeks' conditioning in the Citizenship Training Group. This is testimony to the change in attitude on the part of the boy which we believe is the major contribution of our work.

The appraisal of the boy worked out by our department permits an economy of effort on the part of the probation officers. Our weekly meetings with the officers to discuss the current members of the group and our daily phone calls on certain critical cases relieve them of part of their burden during the first eight weeks a boy is on probation, and give them suggestions as to where their efforts may best be applied. The heavy case loads prevent probation officers from giving all cases equally careful attention. It becomes then a matter of selecting the most promising and amenable material for special care, a practice which is possible with the diagnostic, classifying assistance we can render. Since the department operates under and for the probation officer, a kind of team work has evolved which gives quick, direct service to him in the handling of a case at a time when he most needs it.

Five years of experience as an adjunct of the probation department of the Boston Juvenile Court have left us with certain conclusions about techniques as they pertain to the handling of delinquent boys.

- 1) The treating agency works at its maximum effectiveness only when it is divorced from the task of imposing punishment. The Citizenship Training Depart-

ment comes into operation only after guilt and the term of probation have been determined. Even after enrollment in the group, violations of attendance or persistent bad conduct are referred back to the probation officer for discipline and punishment. In this way we tend to become a cooperating agent whose primary function, as interpreted by the boy, is to help him learn how to live successfully with others in a community. The penalty for his misdeeds has been established before he comes to us, and consequences for his failure to abide by the standards established by the court are entirely out of our hands. We stand as an available resource in helping a boy fit into the community, but the court imposes the restricting conditions of probation and assumes all responsibility for determining the consequences of their infraction.

2) Boys can be brought together in informal groups for short periods of time without contamination. In the five years we have operated we do not know of a single instance in which a boy has been in subsequent trouble due to an association developed in this group. The eight weeks' period has proved to be too short a time to cement any new friendships. The four to six o'clock period has also been a fortunate hour for attendance, for the boys must hurry to get from their schools to our headquarters and must hurry at the conclusion of activities to get home for their evening meals.

These are some of the results of a service designed to give more systematic care to boys placed on probation in the Boston Juvenile Court. As it has worked out, it is primarily a device for classifying probationers, for socializing attitudes, and for providing a transition for the boy from the juvenile court to the community agency which is to carry the burden of treatment. Its assistance to the probation officer has been to make the boys easier

to handle, and by our close collaboration to allow the worker the maximum economy of time and effort. It has also made clear that the state agency which determines guilt and established the penalty must functionally remain separate from the community agency which carries the real burden of treatment.

These are perhaps small contributions to the growing knowledge of probation experience. They are, nevertheless, submitted as one type of service which can result from a direct attack on one or more of the obvious difficulties of our promising probation system.

VII LEGAL DIGEST



Legislation and Decisions Affecting Probation, Parole and Juvenile Courts, 1941

GILBERT COSULICH

Legal Research Director, National Probation Association

WITH forty-three state legislatures in session in 1941, one may paraphrase Ecclesiastes and say, "Of making many statute books there is no end." Only Alabama, Kentucky, Louisiana, Mississippi and Virginia did not have regular legislative sessions. And in this year's statute books, probation, parole and juvenile court laws abound.

Creation of state-administered adult probation systems in Florida, South Carolina and Wyoming, establishment of a state juvenile court in Connecticut, and adoption of new and generally more progressive juvenile codes in Arizona and Indiana, were among the highlights of this year's legislation. The votes on the Florida and South Carolina bills were unanimous.

Domestic relations courts were created for Buncombe (Asheville) and Wake (Raleigh) counties, North Carolina. The State Juvenile Court and Probation Commission of Utah was abolished, its functions being transferred to the State Department of Public Welfare. Juvenile court age limits were raised in Indiana, Maryland, Oklahoma and West Virginia.

In Idaho the Board of Prison Commissioners is now

empowered to appoint probation and parole officers. The legislature of that state also proposed amendments to the constitution abolishing that board and creating a State Board of Correction to have control over probation, parole and prison management.

California enacted the first Youth Correction Authority statute in the United States.

In Illinois some sweeping changes in the parole law were made. The former provision forbidding the courts to impose a fixed sentence has been stricken, and except for certain crimes as to which the jury determines the punishment, the courts can now, with certain limitations, impose a so-called indeterminate sentence of not less than the minimum and no greater than the maximum term provided by law, and must make "advisory" recommendations which may become mandatory. Another Illinois statute created the Department of Public Safety. The division of correction of this new department is authorized to exercise the powers over paroles, the state penitentiary and prison industries formerly administered by the State Department of Public Welfare.

The federal law barring from military service any person convicted of a felony was amended so that now the Secretary of War may authorize exceptions in meritorious cases.

Acknowledgment is given to the Bar Association of the City of New York, of which Franklin O. Poole is librarian, for its usual courteous cooperation.

ARIZONA *Juvenile* A complete juvenile code was enacted, the former chapter dealing with "juveniles and child welfare" being repealed. Among the gains is a more definite classification of the juvenile court as such rather than a constant use of the term superior court, found in the old law. The superior court, however, still functions

in children's cases, but when it does so function the new statute provides that it "shall be known as the juvenile court." Appointment of referees is authorized and the Standard Act¹ provisions that an adjudication by the juvenile court is not to be deemed a conviction of crime, shall not carry with it civil disabilities, etc., are added. Losses include a limitation of the civil service provisions to chief probation officers in cities of over 50,000 (Phoenix only), while the former provision was statewide in its application. (Laws of 1941, c. 80)

The adoption law was amended in a number of procedural matters, including the addition of the provision that if the parent, guardian or next of kin does not consent to the adoption, a copy of the petition and other papers shall be served upon him by registered mail if he is not found within the state. (c. 47)

An act was passed providing for the licensing and regulation of child welfare agencies and for the placement of children. The State Department of Social Security and Welfare was given supervision over all child welfare agencies and must also assist in the development of community plans for child care. (c. 57)

Parole A former provision limiting the Board of Pardons and Paroles to the consideration of applications for parole or commutation only after the expiration of the minimum term fixed by the court, was eliminated. As the law now stands the board has power to parole an individual before he has served his minimum sentence. (c. 9)

CALIFORNIA *Juvenile* The juvenile court was authorized to appoint expert witnesses at county expense. (Statutes of 1941, c. 254)

¹ *A Standard Juvenile Court Law* National Probation Association, revised 1933

The State Department of Institutions was empowered to continue the system of transferring wards of the juvenile court from one institution to another, with the following exceptions: ". . . before any inmate of the correctional school may be transferred to a state hospital for the insane, he shall first be returned to a court of competent jurisdiction and after hearing may be committed to a state hospital for the insane in accordance with law." (c. 1022)

A law was enacted providing for the commitment of children in the juvenile court to the State Department of Institutions for placement in one of the correctional schools to be designated by the juvenile court. (c. 653)

A new statute provides that the probation officer in the county in which a petition for appointment of guardian of a minor or incompetent person is pending, shall make an investigation of each case whenever he is requested so to do by a judge of the superior court. (c. 1090)

The board of supervisors in any county in which a public school has been established in a detention home must provide supplies and equipment for the school, and must lease the supplies and equipment at a nominal rental to the school district in which the detention home is situated. (c. 198)

The probation officer in each county was authorized to administer, without extra compensation, if directed by the probation committee, the management and control of the internal affairs of the detention home. (c. 253)

The Welfare and Institutions Code was amended so as to provide procedure for service of citation upon the parent or other custodian of a child sought to be brought within the provisions of the juvenile court law, in the event that personal citation cannot be had because of the absence from the county of such custodian. (c. 269)

Every county probation officer must file a report to the juvenile court showing the exact number of wards in such court, and under the new law, the commitment or disposition order as it existed on December 31 of the year for which the report is made. (c. 189)

The juvenile court has authority to direct that proceedings be instituted to annul the marriage of one of its wards, if the facts necessitate such action, according to an opinion handed down by Earl Warren, attorney general of California. (Op. No. 4-NS 2928, February 10, 1941)

Youth A statute creating a Youth Correction Authority was enacted. The Authority consists of three members, two of whom are appointed by the governor from a list of persons recommended by an advisory panel composed of the presidents of the California Conference of Social Work, the California Probation and Parole Officers Association, the State Bar of California, the California Medical Association and the Prison Association of California. The third member is appointed by the governor without the requirements of the foregoing recommendation. Each member will receive a salary of \$10,000.

Until January 1, 1944, if the Authority is equipped to receive them, the courts are required to commit youths less than twenty-three years of age who have been convicted of crime but who have not been sentenced to death, life imprisonment, imprisonment for ninety days or less, or to pay a fine. The jurisdiction of the juvenile court (exclusive to eighteen, concurrent to twenty-one) is not interfered with. After January 1, 1944, the Authority must accept all such youths for treatment with the additional exception that those who have been granted probation will not be subject to the Authority's control.

Jurisdiction over persons committed to the Authority continues in cases of felony until the twenty-fifth birthday; in cases of misdemeanor until the twenty-third birthday or for two years, whichever is longer.

The Authority is empowered to make use of probation, correctional and other facilities, either public or private, but the facilities of private agencies cannot be used without their consent, and in no case will the Authority be given control over existing facilities that it utilizes. There is appropriated \$100,000 for the next two fiscal years. The statute generally follows the model act recommended by the American Law Institute, but with many variations, the most important of which is the above mentioned provision excepting youths on probation from the jurisdiction of the Authority. (c. 937)

Adult A law was passed providing that, when a probationer has been committed to a state prison for another offense, it is mandatory upon the probation officer of the court by which he was originally released on probation to report the commitment to that court within thirty days after receiving written notice of the commitment. Within thirty days thereafter the court must revoke probation and impose sentence on the original charge. In case a probation officer fails to report a commitment or the court fails to impose sentence as provided in the new law, the probationer may not thereafter be sentenced on the original offense. (c. 645)

A person convicted of committing any immoral act upon a child under fourteen shall not have his sentence suspended until the court obtains a report from a reputable psychiatrist as to the mental condition of the offender. The latter shall not be paroled until a report is received from the prison psychiatrist dealing with the same subject. (c. 1201)

All courts having jurisdiction to impose punishment in misdemeanor cases are now given the power to grant probation *summarily* in such cases, without referral to probation officers. (c. 24)

A probationer who has fulfilled the conditions of his probation during its entire period now has an unlimited time within which to withdraw his plea of guilty and enter a plea of not guilty. (c. 1112)

Parole All state officers and employees, except the state parole officer, who are employed by the State Board of Prison Directors, by any warden of a state prison, or by the State Board of Prison Terms and Paroles, and who are exclusively engaged in parole work, were put under state civil service. (c. 1200)

CONNECTICUT *Juvenile* A state juvenile court was established, effective January 1, 1942. The new state tribunal will exercise the exclusive original jurisdiction of a juvenile court as provided by existing law. The court will sit in each of three districts, each district being presided over by a separate judge. The three judges shall be appointed by the general assembly upon nomination of the governor for staggered terms, their successors for six year terms. The governor shall appoint one of the three to be the presiding judge of the court. The judges shall jointly appoint a clerk of the court, and each judge shall name a director of probation for his district and such probation officers as he shall deem necessary, salaries to be fixed by the judges and paid by the state. The probation personnel, including the directors of probation, shall be appointed from a list certified by the state personnel department, which shall conduct examinations to establish such lists. All full time juvenile probation officers in service in the state on January

1, 1941 are to be "full time juvenile probation officers" of the court without examination, at salaries not less than their salaries on that date, and with their retirement rights protected. (Laws of 1941, c. 347)

Adult An act for the interstate supervision of probationers and parolees was passed. The governor was authorized to execute a compact with any other state along the lines laid out in the Uniform Act sponsored by the Interstate Commission on Crime. (c. 117)

Probation Board A bill establishing a state "probation and juvenile court board" was defeated. It provided for five unsalaried members appointed by the judges of the superior court. The board was to furnish and supervise probation service for all courts, and was to appoint a director of probation, who in turn, subject to the board's approval, was to appoint and fix the salaries of such probation officers and other employees as might be necessary. Probation officers were to be appointed after "qualifying examinations" conducted under rules established by the board, except that full time officers in service on December 1, 1940 might be appointed without competitive examination, provided they met the requirements established by the board. (S. B. 1125)

DELAWARE Juvenile A bill giving the juvenile court jurisdiction to determine cases of adults charged with contributing to the delinquency, neglect or dependency of children was defeated.

Family Court A bill establishing a family court for New Castle county passed the Senate unanimously and was defeated by four votes in the House of Representatives. It gave the court exclusive original jurisdiction

over dependent, neglected and delinquent children under eighteen. The judge was to be appointed by the governor with the concurrence of a majority of the Senate. The judge was empowered to appoint a director who was to be the chief probation officer, and such other probation officers and employees as he might deem necessary, the appointments being made from eligible lists secured by competitive examinations conducted by a commission of three members.

DISTRICT OF COLUMBIA *Juvenile* On cross examination in an adult case in the juvenile court, a question asked of the complaining witness as to whether she had been arrested and tried for larceny in the juvenile court was properly excluded. The appellate court pointed out that the language of the juvenile court statute "expressly forbids the interpretation that the disposition of a child in a juvenile court proceeding constitutes conviction of a crime, and as nothing short of conviction of crime is sufficient to warrant the inquiry which appellant was forbidden to make, his contention is completely devoid of merit." (*Thomas v. U. S.*, United States Court of Appeals for the District of Columbia, decided June 2, 1941)

FLORIDA *Adult Probation and Parole* Following the constitutional amendment ratified by the electors in November 1940, a law providing for state-administered adult probation and parole was enacted. Probation may be granted by any court having original criminal jurisdiction, for any offense except one punishable by death or life imprisonment. Parole may be granted to any person convicted of a felony and confined in a jail or prison for more than one year, after he has served not less than six months of such term. A Parole Commission of three

members was created. The members are appointed by the Board of Commissioners of State Institutions from a list compiled by an examining board of five specialists in penology selected by the board. The examining board must make up its list, which may not consist of more than ten names, after an "examination and investigation" of applicants, according to a plan devised by the Board of Commissioners of State Institutions. The members of the Parole Commission shall be appointed for staggered terms at first, and their successors shall be named for six year terms. Each member of the commission receives a salary of \$4000 per annum. The commission is authorized to appoint state-paid supervisors, assistants and other employees. The commission must conduct competitive examinations for positions requiring "special knowledge in penology, social welfare, or correctional supervision." Only citizens of Florida who have resided in the state for ten years are eligible to be members or employees of the commission. The commission has the duty of investigating and supervising probation cases referred to it by the courts, determining what persons shall be placed on parole, fixing the time and the conditions thereof, and supervising parolees. (Laws of 1941, c. 20519)

GEORGIA The State Board of Penal Corrections was abolished and all of its powers were transferred to the State Prison and Parole Commission, which has the duty to provide adequate supervision for all parolees and probationers in the state. An amendment was passed to the statute creating the latter body, requiring that any action by the commission with reference to any parole, probation or pardon shall be effective only if approved by the majority of the commission and the governor; and that no prisoner shall be released on probation or

parole until it is shown that his prison record [if any] was satisfactory. As the law formerly stood, the commission could act only by unanimous vote of its members. (Laws of 1941 Nos. 61 and 62)

The general law regarding the court's power to grant probation was amended by authorizing suspension of sentence in abandonment or bastardy cases, which formerly were specifically excepted from the provisions of the probation statute. The 1941 amendment specifies that the court may suspend sentence upon terms providing for the support of the child during its minority, or if the child is illegitimate, until it reaches the age of fourteen. The court may refer such cases to the county probation officer, who shall, when ordered by the court, collect and disburse funds for the support of the wife and child. (No. 433)

IDAHO Adult Probation and Parole Three joint resolutions proposing amendments to the state constitution to be submitted to the voters at the general election in 1942 were passed by the legislature. The most important amendment commands the legislature to establish a State Board of Correction consisting of three members and having the direction of the penitentiaries of the state and of adult probation and parole. Another amendment proposes the abolition of the State Board of Prison Commissioners. The third authorizes the legislature to restrict the governor's power of remitting fines and forfeitures and of granting commutations and pardons. (Laws of 1941, Senate Joint Resolutions 5, 6 and 7)

Power to appoint "adult parole and probation officers" was given to the Board of Prison Commissioners. Under the old law, the governor was empowered to appoint only

one parole officer, and there was no provision for adult probation officers. (c. 104)

A Uniform Act for Out-of-State Parole Supervision, providing also for interstate supervision of probationers, was passed. (c. 148)

ILLINOIS *Juvenile* A statute of 1937 giving the juvenile court jurisdiction over aid to mothers and children was superseded by an act placing aid of mothers and children in the hands of county departments of public welfare in counties of less than 500,000 and the bureau of public welfare in counties of more than 500,000. The statute appropriates \$16,000,000 for the payment of awards, of which sum not more than \$1,600,000 shall be expended for costs of administration. (H.B. 399, Vol. I, p. 287)

The original juvenile court act of April 21, 1899, was amended so as to provide that when a child who has been found delinquent by a juvenile court shall subsequently be convicted of a felony in any state or federal court and shall ask for probation, the court before which such conviction has been had, may in passing upon the application for probation, examine the juvenile court records. (H. B. 598, Vol. I, p. 307)

The governor vetoed a bill which would have exempted from criminal liability all children under fourteen and all children under seventeen except those who had previously been found by the juvenile court to be of sufficient mental capacity to know the nature of the act alleged to have been committed by them. As the law now stands, under a decision of the Supreme Court, state's attorneys and the police have the power to determine what children ten years of age or over charged with felony shall be tried in an adult court. (H. B. 306)

A bill creating a "children's court of conciliation" in each county of the state and in each city having a city court, was vetoed by the governor. The proposed courts would have been presided over by the circuit judges in counties having a population of less than 500,000, by designated superior or circuit judges in counties of over 500,000, and by city court judges. (H. B. 6)

Parole The parole law was amended so as to eliminate the specific provision forbidding courts to fix the limit or duration of imprisonment. In its stead the following was substituted: Courts must impose a "general indeterminate sentence" of not less than the minimum and not more than the maximum provided by law, and must in each case make an advisory recommendation of the minimum and maximum limits of imprisonment. Such recommendation may be for a minimum greater than the statutory minimum and a maximum less than the statutory one. The foregoing provision applies to all offenses except treason, murder, rape and kidnapping. For those four crimes the existing law is unchanged; namely, the jury fixes the punishment. The minimum and maximum recommended by the court may be increased or diminished by four members of the Division of Correction of the Department of Public Safety, with the written approval of the director of the department; provided that the minimum prescribed by that division and the director shall not be less than the statutory minimum and the maximum not more than the statutory maximum. The concurrence of the four members of the division in prescribing a change in the court's recommendation shall be ineffective without the director's approval; and if the director withholds such approval, the court's recommendations govern. The new law was vigorously opposed by the Chicago Crime Commission as permitting

the judges in reality to set a "determinate" sentence within the limits of "the so-called present indeterminate sentence law." In its original form the bill was even more objectionable, since it gave to the courts full power to fix sentences. (Laws of 1941, H.B. 103, Vol I, p. 560)

The Division of Correction in the newly created Department of Public Safety shall exercise all powers formerly vested in the Parole Board and in the Department of Public Welfare in granting and supervising paroles. The personnel of the department includes the director of public safety, the superintendent of prisons, the superintendent of paroles, the superintendent of supervision of parolees, the superintendent of crime prevention and the state criminologist. (H. B. 411, Vol. I, p. 1214)

INDIANA *Juvenile* A comprehensive juvenile court act was passed. The 1941 statute continues the separate juvenile court for Marion county (Indianapolis) and the present juvenile court jurisdiction of the circuit courts in the other counties. The new law eliminates any reference to delinquent, neglected and dependent children, but contains lengthy definitions of children subject to the act, which substantially include dependent, neglected and delinquent children. The age limit for boys is raised from sixteen to eighteen, the age limit for girls remaining at eighteen. The new statute gives the juvenile court exclusive jurisdiction in adoption matters generally, without regard to dependency or neglect, except in counties having separate probate courts (Marion and Vanderburgh) where the latter shall have exclusive jurisdiction in adoption matters. Juvenile courts are also given jurisdiction to determine the paternity of children born out of wedlock and to provide for the care of such children. The judge of the separate juvenile court (Marion county) shall, from eligible lists secured through com-

petitive examination, appoint a chief probation officer and as many additional employees as he shall deem necessary, and shall fix their salaries. In counties of less than 100,000 the judge shall under the new law appoint one probation officer and may appoint an additional officer for every 50,000 population. The new law fixes \$2400 and \$2000 as maxima for such officers respectively, whereas formerly they were paid on a per diem basis. In counties of 100,000 or more and not having a separate court, the judge shall appoint a chief probation officer at \$3000 maximum, a chief adult probation officer at \$2400 maximum and an assistant probation officer at \$2000 maximum for every 50,000. The former maxima were \$2500, \$2000 and \$1800 respectively. In Marion county two of the referees must now be men. The maximum salary to be paid to referees has been raised from \$4000 to \$5000 a year. (Laws of 1941, c. 233)

A law was passed implementing with detailed procedural provisions the general statement in c. 233, *supra*, giving the juvenile court jurisdiction over children born out of wedlock. (c. 112)

IOWA *Juvenile* Section 3666 of the Code, authorizing any reputable citizen of a county to file a petition in the juvenile court on behalf of any dependent, neglected or delinquent minor, "under eighteen," was amended so as to read "over eighteen." The 1941 amendment restores the section to its original form. Such authorization for children under eighteen is of course retained. (Acts of 1941, c. 139)

A bill creating the position of district juvenile probation officer was passed by the House, but the legislature adjourned before the Senate could consider the measure. (H. F. 488)

Adult A bill creating a state board of probation and parole, which would have been authorized to appoint a state director of probation and parole, and probation and parole officers, died in the sifting committee. (S. F. 377)

MAINE *Juvenile and Adult* The law relating to probation officers for Cumberland county was amended as follows: Qualifications for the head of the county probation department are fitness "by personality, professional training and executive or supervisory experience in a social agency using professional standards, to direct an effective probation service"; the probation officer may be removed by the judge of the municipal court of Portland with the approval of the judge of the superior court resident in Cumberland county or of the chief justice of the Supreme Judicial Court; the appointment of two assistant probation officers is made permissible instead of mandatory, as formerly; the first assistant probation officer is to be designated as "juvenile probation officer," his qualifications being similar to those of the probation officer, with particular reference, however, to juvenile cases; provision is made for the appointment of a "probation clerk" of the court; and the salaries of the probation staff, instead of being fixed by statute as formerly, are to be determined by the judge of the municipal court with the approval of the resident superior court judge or of the chief justice of the Supreme Judicial Court. (Private and Special Laws of 1941, c. 33)

Juvenile The provisions regarding the personal recognition by parents, notice of arrest of a child and the custody of children pending a hearing, have been changed so as to make them applicable to children under seventeen instead of under sixteen as formerly, in order to

harmonize those provisions with the rest of the law dealing with special procedure for children brought before the courts of Maine. (Public Laws, c. 68)

There was added to the authority of a municipal court in handling children's cases that of committing a child to the Pownal State School upon certification by two physicians that the child is mentally defective and that its mental age is twelve years or under. (c. 245)

Parole The parole law enacted in 1939 was amended so as to authorize the governor to appoint any persons, instead of members of the executive council, as two of the members of the parole board in the Department of Institutional Service, and authorizing a per diem salary of \$5 for time actually spent by each member in the work of the board. The board now must make recommendations to the governor regarding the granting of reprieves, commutations and pardons, in addition to its original authority to grant or revoke all paroles. (Public Laws, c. 291)

MARYLAND *Juvenile* The age limit of children who may be tried by "magistrates for juvenile causes" was raised from sixteen to eighteen. The magistrates were given concurrent jurisdiction with the circuit courts where the minors are between eighteen and twenty-one. This latter provision is similar to that of the California law. The new statute does not apply to Allegany, Baltimore or Washington counties nor Baltimore City. (Laws of 1941, c. 807)

The legislature passed a proposed amendment to the state constitution to be submitted to the voters in November 1942, creating a juvenile court of record for Baltimore City and authorizing the general assembly to estab-

lish a similar court for any other city or town or in any county of the state. The amendment would fix at eighteen the age limit of children to be brought before those courts, which would have jurisdiction over all offenses committed by children except those punishable by death or life imprisonment. (c. 824)

A Commission on Juvenile Delinquency, consisting of five members appointed by the governor, was created. The commission must report its findings, with recommendations and drafts of legislation, to the governor and the legislative council before September 9, 1942. (c. 525)

Adult The justices of the peace, except traffic court magistrates, for Baltimore City, may suspend sentence. If the defendant is a minor, they may make orders relating to his detention. With the written consent of the accused, these justices of the peace may grant probation even before the defendant is convicted, the maximum probation period being two years. (c. 629)

Among the bills that failed to pass was a measure permitting circuit courts in any county as well as the criminal court or a justice of the peace other than a traffic court magistrate in Baltimore City, to grant probation to any person accused of crime, and permitting justices of the peace to commit their probationers to the custody of persons or agencies other than the state director of parole and probation. The criminal court of Baltimore City already has the power of placing accused as well as convicted persons on probation. (H. B. 450)

Parole The governor vetoed a bill abolishing the board of parole and transferring his powers to the director of parole and probation. (H. B. 51)

MASSACHUSETTS *Juvenile* A bill establishing district juvenile courts and an administrative committee of the judges of such courts and the Boston juvenile court, was rejected by the Senate. The bill would have established eight district juvenile courts throughout the state, each court presided over by a judge appointed by the governor with the consent of the council. The administrative committee was to consist of three judges, one of whom was to be the justice of the Boston juvenile court. The district courts and the Boston juvenile court would have had "superior and general jurisdiction" over delinquent, neglected and wayward children. (S-400)

The physical and mental examination of a child prior to commitment to a public institution was made discretionary with the juvenile court instead of mandatory, as formerly. (c. 327)

Juvenile and Adult The justice of a district court, with the approval of the administrative committee of district courts, was authorized, in case of the death or other removal of a probation officer, to appoint a temporary officer for not more than ninety days. (Acts of 1941, c. 477)

MICHIGAN *Juvenile* The section of the Probate Code authorizing the juvenile court to commit a delinquent or wayward minor to a suitable public institution was amended to provide that, if it is impossible to obtain admittance for the minor to the institution at the time of commitment, he may be kept in the custody of the county agent or juvenile matron until admittance is possible. (Public Acts of 1941, No. 176)

A state juvenile probation system, administered by a state juvenile probation commission, was provided for by a bill that failed of passage. The proposed commis-

sion consisted of three probate judges selected by the Michigan Association of Probate Judges. The members of the commission were not to receive additional salaries for their work on the commission, but to be paid their necessary expenses. The bill authorized appointment of a chief juvenile probation officer for the state and one juvenile officer for each county, all of them to be state paid. (S. B. 433)

Friend of the Court A statute dealing with the duties of friends of the court was amended so as to provide that there shall be held an annual conference of the friends of the court of the state at such time as may be named by the president or vice president of the Friends of the Court Association of the State of Michigan. The conference shall consider legislative matters looking to the establishment of a uniform system of conduct for those court officers. Each friend of the court shall be paid from the county treasury his traveling expenses to the conference up to \$30. (Act 345)

Probation A bill sponsored by the Michigan Probation and Parole Association, providing for various important amendments to the probation law, failed of passage. Among other things, the proposed measure would have eliminated the prohibition against granting probation to second felony offenders; would have required the appointment of certain numbers of probation officers in various judicial circuits, according to population; would have made the court's recommendations for such appointments mandatory upon the Michigan Corrections Commission instead of discretionary as at present; and would have made it likewise mandatory instead of discretionary upon the commission to remove any probation officer upon the certification of the judge. (S. B. 376)

Parole An important amendment to the parole law was enacted. Any convict, except one under life sentence for murder in the first degree, who shall have served ten years, may be released on parole at the discretion of the parole board, after a public hearing which may be conducted by only one member of the board. Such parole shall be for at least four years. No parole for a convict whose sentence is for life or for fifteen years or more shall become valid until the transcript of the record shall have been filed with the attorney general. Such file shall become a public record. (Act 173)

MINNESOTA *Juvenile* The juvenile court law was amended in a number of respects, many of them dealing with procedural matters such as notice to be given after a petition has been filed, delivery of copies of orders of commitment, and the like. The court is authorized to commit a dependent or neglected child to the Director of Social Welfare instead of to the State Board of Control as formerly. The court may now authorize the county welfare board to provide for the child special medical or remedial care, including hospitalization. (Laws of 1941, c. 158)

The Director of Social Welfare was given powers of legal guardianship over the persons of all children committed "by courts of competent jurisdiction" to his care or to institutions under state management. He may make such provision for the child as the child's interest may require, provided that the director shall not be authorized to consent to the adoption of a child who is committed to his guardianship on account of delinquency. The former statute authorizing the court to commit a dependent or neglected child to the Board of Control and setting forth the board's corresponding duties with reference to such child was repealed. (c. 159)

Adult A person who was under twenty-one years old at the time of his conviction of a crime, and has served his sentence and complied with all orders of the court, including probation and parole, may upon proper showing be granted a "pardon extraordinary" by the Board of Pardons. Such pardon has the effect of restoring the convict to all civil rights, "setting aside" the conviction, and relieving the offender of the requirement of disclosing the conviction except in a judicial proceeding. (c. 377)

MISSOURI *Juvenile* Most of the law establishing the State Home for Children was repealed. Under the 1941 statute children under seventeen who are homeless, dependent, neglected or ill-treated, and who are sound in mind, may be committed by the juvenile court to the guardianship of the State Social Security Commission for the purpose of procuring foster or boarding home care for such children. Under the former law such children were committed to the State Home for Children. The commission's guardianship continues until the proper permanent home is procured for the child or until further court order. While the commission's guardianship continues, all rights of the parents or other custodian are suspended until the child is returned to their custody by order of court. (H. B. 452)

The files and records of the juvenile court in adoption proceedings shall not be open to inspection except under order of the court. (H. B. 273)

Parole The statute creating a board of paroles in Jackson county (Kansas City) was amended so as to add the sheriff as a member of the board. As now constituted, the board of paroles consists of the prosecuting attorney, the sheriff, and the judges of the circuit court of the county. (Laws of 1941, H. B. 233)

NEBRASKA *Adult Probation and Parole* A bill creating a state probation and parole system for Nebraska was defeated. The judiciary committee failed to approve the measure.

NEVADA *Adult* An act was passed authorizing the court to suspend the execution of sentence for not more than twenty days, to allow a defendant to apply to the State Board of Pardons and Parole Commissioners for remission of a fine or forfeiture, commutation, parole or pardon. Persons convicted of murder, kidnapping and certain other serious offenses are excepted from the provisions of the new act. The 1941 law repeals section 409 of an act of March 17, 1911, which authorized the courts to suspend sentence and which was declared unconstitutional by the Supreme Court of the state in 1919. (Statutes of 1941, c. 164)

NEW JERSEY *Juvenile* The Court of Errors and Appeals upheld the exclusive right of a juvenile and domestic relations court to try a case of a fifteen year old boy charged with assault with intent to kill and carrying concealed weapons. By adopting *in toto* an opinion of the supreme court of the state, the Court of Errors and Appeals, the highest tribunal of the commonwealth, ruled that the juvenile court act constitutionally deprived the Oyer and Terminer Court of jurisdiction. The latter court distinguishes the case before it from that of *In re Mei*, 122 N. J. Eq. 125, decided in 1937, by pointing out that the Mei case involved a charge of murder, which "by its very nature is a crime *sui generis*," and that therefore the constitutional requirement of an indictment could not be waived by the offender. "Except where, as is the case with murder," the court said, "the

very laying of the accusation is an affront which should not be permitted without the finding of a charge by a grand jury, we consider that the general scheme of this separate system, for youth or early adolescence, is for and not against the rights of the child and increases rather than violates the constitutional protection of the individual against governmental abuses." (*State v. Goldberg*, 125 New Jersey Law Reports 501, decided December 12, 1940, in a memorandum opinion affirming 124 N. J. L. 272)

NEW MEXICO *Juvenile* The section of the juvenile court law dealing with contributing to delinquency was amended so as to raise the age limit of children protected thereby from sixteen to eighteen years, and also to provide the additional penalty of imprisonment in the state penitentiary of from one to five years. The change in the age limit was made in order to harmonize the section with the rest of the statute. Prior to the 1941 amendment as to penalty, the maximum imprisonment was in the county jail for not more than one year. (Laws of 1941, c. 134)

NEW YORK *Juvenile* Judges of the children's courts were added to the list of persons who are to be classified as "magistrates," or officers having power to issue a warrant of arrest. (Laws of 1941, c. 366)

The children's court act was amended so as to authorize judges, acting judges, chief clerks and deputy clerks of children's courts to administer oaths and take acknowledgments. (c. 334)

Family Court The domestic relations court act of the City of New York was amended in several respects:

The probation officers in the family court, "whenever practicable," shall be of the same religious faith as the families or persons under their supervision whenever there are children in the families or in the custody of the probationers; the period of probation for a child is no longer limited to a maximum of five years, but must simply be terminated at the twenty-first birthday of the probationer; the presiding justice of the domestic relations court may inaugurate a special term of the court in a centrally located borough; and a justice of the court who in good faith issues process shall not be liable therefor unless it is shown that his action was malicious or a deliberate abuse of discretion. (c. 943)

Youth The special city magistrates' courts known as Adolescents Courts, which have been held in Kings and Queens counties (parts of the City of New York) were authorized by statute to continue to operate until July 1, 1942. Those courts may, with the consent of the district attorney, dismiss charges against any person who was more than sixteen and less than nineteen years old when an offense is alleged to have been committed, and may deal with him as a wayward minor. (c. 940)

The statute relating to commitments to the Mount Magdalen Training School for girls at Troy, was amended so as to authorize the court to commit to that institution any female between the ages of sixteen and twenty-one who has been adjudged a wayward minor, or any other female over sixteen who shall voluntarily seek commitment or who shall have been remanded by the court "for social or moral rehabilitation." (c. 464)

Adult When an offender is committed to a correctional institution under the supervision of the State Department

of Correction, an additional copy of the probation officer's investigation report shall be forwarded to the state commissioner of correction. (c. 504)

Parole The department under which the board of parole of a reformatory functions retains custody of a paroled or a conditionally released prisoner for such period as the board may determine, within the limit of the maximum specified in the sentence. Formerly the department retained control until the inmate's "absolute discharge as provided by law." (c. 485)

The rigors of the Baumes Law providing for life sentences for certain "repeaters," were mitigated so as to authorize the parole of prisoners received in a state institution prior to March 18, 1932, on which date the Baumes Law was changed so as to permit parole for future convicts. Every prisoner incarcerated as a second or third offender before that date on a life sentence for burglary in the first degree, or robbery in the first degree, or an attempt to commit either of those crimes, may be released on parole as though his sentence had been indeterminate with a minimum of thirty years; provided that no such prisoner shall be considered eligible for parole until he has served at least twenty years. Every prisoner incarcerated on the above date as a fourth offender for any of the crimes stated above, may be released on parole under the same conditions; provided, however, that he shall not be considered eligible for parole until he has served at least thirty years of his sentence. The same 1941 statute also removes the requirement that before being eligible for parole those convicted of any of the above crimes for the first time must have served ten years of their term; but there is retained the present provision that the sentence in such cases is to have the same effect as though it were for an

indeterminate term the minimum of which was ten years.
(c. 540)

NORTH CAROLINA *Domestic Relations* By striking out the words "Buncombe" and "Wake" from the exceptions enumerated in the Domestic Relations Court Act of 1929, the legislature authorized the establishment of domestic relations courts in Buncombe (Asheville) and Wake (Raleigh) counties. The general act provides that the board of county commissioners in the various counties having county seats of 25,000 or more inhabitants, or the governing authorities in cities of that population, may establish domestic relations courts, which may be joint county and city tribunals. The 1941 statute authorizing a domestic relations court for Buncombe county sets forth that upon the establishment of such a court the clerk of the superior court shall immediately transfer to the new court all actions pending in the former tribunal that come within the jurisdiction of the new court. (Public Laws of 1941, c. 208; Local Public Laws, c. 339)

The Domestic Relations Court Law was amended so as to eliminate a former provision requiring a full investigation and recommendation by the domestic relations court in all cases where the adoption of children is sought. Under the former law the recommendation was submitted by the above court to the clerk of the superior court. (c. 308)

An act of 1939 creating a juvenile court in Forsyth county was repealed. The same statute, however, has already been declared unconstitutional by the state attorney general, and a consolidated city and county juvenile court had been established in Forsyth county under a general law. (c. 110)

NORTH DAKOTA *Youth* Establishment of a Community Youth Council in each city, village or township was authorized. Such a council may be initiated by the mayor of any city, the president of the city commission, the chairman of the board of trustees of any village, the chairman of the board of supervisors of the township or the head of the community's school system. The officer initiating the council shall appoint as additional members representatives of the local government, the churches, the American Legion and of all service or women's clubs or welfare organizations in the community. Such a council must be organized on petition of any organization or of five residents. Three members shall be sufficient to organize a council. All members must serve without pay. (Laws of 1941, c. 307)

Adult An act was passed authorizing the governor to execute a compact with any other state for mutual helpfulness as to the supervision of probationers and parolees. (c. 233)

OHIO *Juvenile* The Juvenile Court Code was amended in a number of respects, including the following: Whenever the court of common pleas, division of domestic relations, functions as a juvenile court, the judge, instead of the clerk as formerly, shall act as clerk of the juvenile court; the judge of the juvenile court may bind over to the grand jury the defendant in any adult case in his court where the offense constitutes a felony; and in punishing an adult for an injury to a child, the court, in addition to its former powers, may commit the defendant until fines and costs are paid. (Laws of 1941, H. B. 56)

The statute dealing with the Girls' Industrial School

was amended so as to prohibit the juvenile court from committing to an institution any girl under twelve or more than eighteen at the time of hearing, or any girl coming before the court because of dependency alone. The woman superintendent of the home is now appointed by the director of the Department of Public Welfare instead of by the Ohio Board of Administration. The public welfare director also determines the number of subordinate employees who are to be appointed by the superintendent, under civil service. (H. B. 590)

OKLAHOMA *Juvenile* The juvenile court age limit for delinquent girls was raised from sixteen to eighteen. The age limit for delinquent boys remains at sixteen. (Laws of Oklahoma, H. B. 123)

Adult The office of county probation officer was created for any county with a population of 190,000 or more and containing a city of 100,000 or more (Tulsa county). The probation officer is to be appointed by a majority of the courts of record of the county, and shall receive a salary of \$1800 per annum and \$600 per annum for expenses. It shall be his duty to perform any duties in connection with the investigation and supervision of probationers which are required of him by the judges, and in addition he shall, upon order of the district judge, investigate any matter pending before that judge. (H. B. 49)

OREGON *Juvenile* Juvenile court jurisdiction in Marion county was transferred from the county court to the circuit court. The circuit courts of Clackamas, Klamath and Multnomah counties have had for some years juvenile court jurisdiction. Elsewhere in Oregon

county courts function as juvenile courts. (Laws of 1941, c. 412)

Adult The statute suspending all the civil rights of a person under sentence of imprisonment in the penitentiary for any term less than life during the term of such imprisonment was amended so as to provide that any such person may exercise any rights that are not political during any period of probation or parole. (c. 239)

Parole The act of 1939 creating a State Board of Parole and Probation was amended in many respects, including the following: The board now has charge of those county jail parolees who have been confined for six months or more, while the courts control the parole of jail inmates confined for a lesser period; the new act eliminates the provision requiring the board to obtain from the sentencing judge or other officials a statement of facts concerning each defendant admitted to a county jail but limits the requirement to penitentiary cases only; and a new provision is added to the effect that when the parolee has fulfilled the conditions of his parole the board may make a final order of discharge, which discharge shall restore his civil rights in the same manner as if the sentence had expired. (c. 386)

PENNSYLVANIA *Juvenile* Eleven bills seeking to lower the juvenile court age limit from eighteen to sixteen were defeated.

Adult Probation and Parole A State Board of Parole was created. It consists of five members appointed by the governor for four-year terms with the consent of two-thirds of all the members of the Senate. The chairman receives \$10,500 per annum and each of the other

members \$10,000 per annum. The board appoints a general director of parole at a salary of \$7500 per annum, and a secretary who is not a member of the board and who receives a salary fixed by the board. The board appoints and fixes the salary of parole officers and other employees and is authorized to establish not more than ten districts for the supervision of parole cases, with a district supervisor in charge of each district. All appointments by the board except that of the secretary must be made from lists compiled by the board after free competitive examinations have been held by it. No employee of the board except the secretary may be removed or demoted except for cause and after hearing. The board has exclusive power to supervise any probationer when the court specifically so orders. The board also has exclusive power "to parole and reparole, commit and recommit" and to discharge from parole all persons sentenced to any state or county prison except those sentenced for a maximum period of less than two years, as to which latter the court has the paroling power. Persons sentenced to death or life imprisonment cannot be paroled by the board. Paroles may not be granted before the expiration of the minimum term fixed by the court, or in a commuted sentence, by the Pardon Board. The new statute broadens the court's power to grant probation by eliminating all but one crime—murder in the first degree—from the list of offenses for which probation may not be granted. The new law also omits the former provision that only defendants not previously "imprisoned for crime" are eligible for probation. (Acts of 1941, No. 323)

A Civil Service Act was passed. Its classifications are such as to include all positions as to which the Board of Parole has the appointing power, except the secretary of the board. (Act 286)

RHODE ISLAND *Juvenile* For the third time in four years juvenile court legislation failed of enactment. A bill creating a two-judge children's court for the state passed the House but died in the Senate committee.

Adult A Governmental Code bill, which would have changed the administrative setup of the state government and would have affected the machinery for probation and parole, likewise passed the House but died in the Senate.

SOUTH CAROLINA *Adult Probation and Parole* The legislature passed the state's first adult probation law, and provided that it should be administered by a state department. Probation may be granted for any offense except one punishable by death or life imprisonment. When the services of a probation officer are available to the court, no defendant charged with a felony shall be placed on probation or released under suspension of sentence until a report by the probation officer shall have been considered by the court. The State Probation and Parole Board, a successor to the Pardoning Board, administers the probation system. The board is composed of six members appointed by the governor with the consent of the Senate, for four-year terms without pay. The board shall appoint a supervisor of probation and parole, at a salary of from \$3600 to \$4000 a year, and if necessary, one or more assistants at salaries to be fixed by the board. The supervisor must possess qualifications equivalent to graduation from "an institution of recognized standing." Subject to the approval of the board, the supervisor shall appoint such probation officers as are required for service in the state, at yearly salaries fixed by the board, not to exceed \$2100. The official

records of a probation officer are privileged unless otherwise ordered by the judge or by the supervisor. With the approval of the governor and upon ten days' written notice to the solicitor and judge who participated in the trial, the board may, under certain conditions, parole any prisoner convicted of a felony. If the prisoner is a first offender sentenced for an indeterminate time, he must have served the minimum of his sentence, not deducting any good-time allowance. After the prisoner has served one-third of his sentence, if such sentence exceeds one year, the board must review his case irrespective of whether or not any application has been made. No other hearing than upon the records prescribed by the statute shall be permitted, nor shall there be arguments or appearances. The board is the sole judge of whether a parole has been violated and no appeal from its findings shall be allowed. The period of parole continues until the expiration of the maximum term specified in the sentence, without good-conduct deduction. (Acts of 1941, Calendar No. 444)

TEXAS *Juvenile* An amendment to the statute dealing with the care of a delinquent child was passed omitting any reference to the court's authority to continue the hearing from time to time and specifying that a child must be "adjudged" a delinquent child before the court can commit the child to the care of a probation officer or "any other proper person." This amendment was enacted in order to meet the requirements laid down by the opinion of the attorney general in October 1940, to the effect that the laws of Texas as they then stood did not "authorize the court to commit the delinquent child to the care and custody of an individual," instead of to certain institutions designated elsewhere in the code. (Laws of 1941, S. B. 420)

The statute authorizing jointly the city and county of Dallas to operate a parental home for the training of dependent and delinquent children, was amended so as to have the population limits in that statute conform with the increased population of Dallas according to the 1940 census. (S. B. 369)

A law was enacted creating a coordinating, fact-finding child welfare committee composed of citizens with authority to investigate all phases of child care, and make recommendations to the next regular session of the legislature. (H. S. R. 385)

A bill raising the juvenile court age for boys from seventeen to eighteen, eliminating criminal district courts from the list of tribunals empowered to function as juvenile courts, and otherwise liberalizing the present juvenile court law, failed of passage. (H. B. 451)

Adult A bill which would have given Texas an adult probation law likewise failed to pass. (H. B. 190 and S. B. 116)

UTAH The ex officio Juvenile Court and Probation Commission was abolished. Its powers and duties are to be taken over by the Public Welfare Commission. Those powers and duties include the dividing of the state into juvenile court districts, the appointment of a judge of a juvenile court for each district, fixing the salaries of juvenile court judges, probation officers and other employees, and in general, control and supervision over juvenile courts and their probation officers. Under the new law, however, the commission must have the approval of the governor in establishing juvenile court districts and must have the concurrence of the department of finance in fixing the salaries of probation officers. Furthermore, in appointing probation officers, the judges

of the juvenile courts must likewise have the concurrence of the department of finance as well as of the commission. The judge of the juvenile court and the chief probation officer of each district must submit monthly reports to the director of the division of the department of public welfare in charge of correctional institutions for minors. (Laws of 1941, c. 67)

WASHINGTON *Juvenile* A juvenile court bill was killed in the Senate. Following in most of its details the draft of the Standard Juvenile Court Act of the National Probation Association, the proposed measure was in most respects an improvement over the present juvenile court law of the state. It would have given broader jurisdiction and powers to the juvenile court and would have provided for a more socialized procedure. A valuable feature was a provision making contributing to delinquency and dependency a misdemeanor and imposing a penalty therefor. (S. B. 264)

WEST VIRGINIA *Juvenile* The Public Welfare Law of 1936 was amended in a number of respects. Instead of defining "child" as "a person under the age of eighteen years," as formerly, the new statute sets forth that a child "means any minor who is crippled or any minor under the age of eighteen years who because of lack of a home, inadequate care, neglect, illegitimate birth, mental or physical disability or undesirable or delinquent conduct is in need of services, protection or care." The juvenile court age limit for neglected boys is raised from sixteen to eighteen years, the former age limit of eighteen for neglected girls remaining unchanged. The new law adds considerable detail regarding the placement of children, supervision of foster homes, licenses and cer-

tificates for such homes. It lays greater emphasis than before upon the county departments of public assistance as being responsible for child care, as compared with the state department. (Acts of 1941, H. B. 203)

Another amendment to the public welfare law adds the provision that no adjudication of the status of a child shall be lawful evidence against the child in a subsequent proceeding, except in the juvenile court, and that no adjudication shall carry civil disabilities against the child. (S. B. 173)

WISCONSIN *Adult* The probation departments of the municipal and the district courts of Milwaukee county were consolidated. The chief probation officer for the two courts is appointed by the municipal judge and is under the control of the municipal court except as to matters pertaining exclusively to probationers of the district court. The municipal judge may appoint additional probation officers for both courts, including a deputy chief. The district court has charge of all probationers in abandonment cases, misdemeanors or violations of county or city ordinances. The municipal court handles probationers in all felony cases in which probation is permitted by statute. The department is hereafter to be known as the Municipal and District Court Probation Department. Elsewhere in the state, under existing laws, the State Department of Public Welfare has charge of all felony probationers, and if the courts so order, misdemeanor and abandonment probation cases. (Laws of 1941, c. 296)

WYOMING *Adult Probation and Parole* An act was passed giving Wyoming a state-administered adult probation and parole system. The statute creates a State

Board of Probation and Parole of five members, consisting of the governor, secretary of state, state auditor, state treasurer and state superintendent of public instruction. The board is authorized to appoint a state probation officer—also called probation and parole officer in the statute—whose duty it is to consult and cooperate with the courts and institutions in the development of probation and parole, and to investigate and supervise all probation and parole cases referred to him by the board. When the district courts request it, the board must assign the officer to serve such courts. The board shall consider the case of each inmate of any penal institution when he becomes eligible for parole as prescribed by law or by the rules of the board. On the request of the governor the board must investigate and report with recommendations regarding any case of conditional pardon or commutation of sentence. In 1939 an act was passed authorizing probation for all offenses except those punishable by death or life imprisonment. The statute also provided that with the consent of a defendant *charged* with any crime except those stated above, the court may suspend trial and place the accused on probation. The statute provided that the county attorney must investigate the circumstances of the offense when directed by the court, and that no defendant charged with a felony shall be placed on probation or given a suspension of trial or sentence until the county attorney's report has been considered. No provision of any kind, however, was made in the 1939 statute for supervision of probationers. (Laws of 1941, H. B. 125; Laws of 1939, c. 91)

UNITED STATES *Adult* Section 1118 of the Revised Statutes, barring from enlistment in the military service of the United States any person convicted of a felony,

was amended so that now "the Secretary of War may, by regulations or otherwise, authorize exceptions in special meritorious cases." This amendment brings the rule as to enlisted men into harmony with that applicable to selectees, concerning whom the War Department had previously issued regulations distinguishing between offenders who might be accepted under the Selective Service System and those who would be rejected.¹ In view of the 1941 enactment and the previous regulations of the War Department, it seems clear that draft boards and recruiting officers can now, to a large extent, use their discretion in admitting to the Army men who have been convicted of a felony. This liberalization of the military laws has been steadfastly urged by the National Probation Association and others interested in the socialized treatment of offenders. (Acts of the 77th Congress, 1st Session, Senate 1110)

A federal court may direct the marshal to furnish a probationer with transportation to the place to which the defendant is required to proceed under the terms of his probation, and may also direct the marshal to furnish the probationer with not more than \$20 for subsistence during the journey. (c. 212)

¹ See "A Criminal Record as a Bar to Military Service" by James V. Bennett, Director, Federal Bureau of Prisons, published in *Probation* June 1941

VIII THE NATIONAL PROBATION ASSOCIATION



Review of the Year 1940-1941

CHARLES L. CHUTE

Executive Director

THIS report summarizes the activities of the Association for the fiscal year ending March 31, 1941, the thirty-fourth year of the existence of the Association and the twentieth year since its incorporation as an active national agency with a paid staff.

During the year the staff consisted of the executive director, the assistant director, the associate director in charge of financial work, the field director, the director of the western branch, the membership representative, the publicity and legal research director, the librarian, and the office manager. In addition a temporary field and research assistant and a special publicity worker were employed part of the year. Fifteen regular clerical workers, including one secretary in the San Francisco office, and several temporary clerical workers, including three part time workers from the National Youth Administration, have also been employed. The work of the staff has been supervised by an active Board of Trustees and assisted by the Professional Council, an advisory body made up of leaders in probation service from all over the country, by special committees, and by the national membership.

The main work of the Association consists of local surveys, consultation visits, national and regional conferences, legislative and general educational and informa-

tional work, and many publications. These services for the extension and improvement of juvenile courts and probation and parole work, usually given at the request of judges, probation executives or state and local agencies, have been carried on this year in thirty-five states and the District of Columbia. The more important projects undertaken by the staff for the fiscal year may be summarized under the following headings:

Field Service

ALABAMA A visit was made to consult with the members of the state board of probation and parole and staff. The work of the juvenile and domestic relations court and detention home in Birmingham was studied and reported upon briefly.

CALIFORNIA A three months' intensive survey of the Alameda county juvenile court (Oakland) and probation department was made at the request of the judge and the county board of supervisors. Copies of the mimeographed report have been distributed widely in the county. Nearly all of the recommendations of the survey have been carried out. An enlarged and improved staff has resulted.

Brief studies were also made in San Diego, Stockton and Santa Barbara and assistance was given in preparing and conducting civil service examinations in Oakland, San Diego, Santa Barbara and Los Angeles.

At the request of the juvenile court probation committee, the judge, the board of supervisors and the mayor, a study of the juvenile court of San Francisco was begun in February.

Other cities were visited for consultation on legislative, administrative and membership matters.

CONNECTICUT A nine weeks' survey of the courts of juvenile jurisdiction in the third congressional district, New Haven county, was made in cooperation with the Connecticut Child Welfare Association. The report of this study and of one previously made of the juvenile court of Fairfield county were widely circulated and were used as campaign material for a new juvenile court law. A bill for a statewide juvenile court and state controlled probation system for all courts was drafted by the Association, and many meetings and legislative hearings were attended by members of the staff.¹

IDAHO Two visits were made to confer with the governor and others on legislative matters.

INDIANA Two visits were made to assist the judge and probation staff of the juvenile court of Indianapolis.

LOUISIANA Local and state problems were discussed with judges and other interested persons in New Orleans and Baton Rouge.

MAINE Suggestions were made on legislation for a new probation service in Portland. The bill was enacted and we have recently succeeded in placing a capable candidate for the position of chief probation officer.

MISSOURI Visits were made to St. Joseph, St. Louis and Kansas City to confer with local probation staffs and others.

MONTANA The Association was instrumental in placing a qualified new chief probation officer in Great Falls and has endeavored to give assistance in legislative matters.

NEBRASKA After a preliminary visit, during which we assisted in organizing a committee and an educational

¹ A bill was passed in June 1941 to provide for a statewide juvenile court system, to take effect January 1, 1942.

campaign, a bill was drafted to reorganize the adult probation and parole laws of the state. During several trips to the state and appearances at legislative hearings, active assistance was given and much interest aroused, but the bill failed of passage this year, largely because of opposition to increased state costs.

NEVADA Visits were made to urge needed legislation.

NEW YORK Several hearings were attended on the question of the continuance of the adolescents' courts in New York City. Other cities were visited for consultation with judges and probation departments.

NORTH CAROLINA The assistance of the Association was given in securing the appointment of a qualified probation officer for the juvenile court of Durham and a visit was made to assist in developing the work.

Visits were made to consult with the state probation officers at Raleigh and to make plans for a juvenile court survey.

OHIO Toledo was visited to confer with the judges and urge the establishment of an adult probation department in the Common Pleas Court. Other cities were visited.

PENNSYLVANIA Visits were made to several cities for consultation and employment assistance was given.

RHODE ISLAND We assisted in preparing a civil service examination for all state probation and parole officers and the executive director served on the oral examining board. Many conferences were held and assistance given in a campaign for a state juvenile court.

SOUTH CAROLINA At the request of the new juvenile court judge in Greenville, a consultation visit was made to assist in reorganizing the work.

TEXAS Assistance was given in preparing and rating a written examination and in conducting an oral examination for all positions as juvenile probation officer in Dallas.

Other cities were visited to confer with the judges, state representatives and others on legislative and improved probation service.

WASHINGTON Several visits were made to Seattle, Tacoma, Olympia and Spokane to assist the courts and to confer on a proposed new juvenile court law and adult probation legislation.

OTHER FIELD VISITS Many other cities were visited by staff members for purposes of consultation and local assistance and to arrange membership appeals and promote public interest in the work.

Conferences, Institutes and Addresses

NATIONAL CONFERENCE The thirty-fourth annual conference of the Association was held in Grand Rapids May 24-29, 1940, attended by two hundred and fifty-seven delegates from twenty-nine states. In addition to our own thirteen sessions, including a luncheon and a dinner meeting, we cooperated in joint sessions with the Association of Juvenile Court Judges of America and the National Conference of Social Work.

AMERICAN PRISON CONGRESS The Association conducted a probation conference during the sessions of the American Prison Congress in Cincinnati October 21-25, 1940. Our film "Boy in Court" was shown for the first time. Joint sessions were held with several other groups.

BLUE RIDGE INSTITUTE FOR SOUTHERN SOCIAL WORK EXECUTIVES The assistant director attended this con-

ference and served as secretary of a subcommittee on "Interpretation of Probation and Parole to the Public."

CENTRAL STATES PROBATION AND PAROLE CONFERENCE The seventh annual meeting of this group was held in Chicago April 21-25. A staff member of the Association participated.

NEW ENGLAND CONFERENCE ON PROBATION, PAROLE AND CRIME PREVENTION The Association gave its usual assistance in preparing the program for this conference held at Hartford, Connecticut, in distributing the printed programs and in participating in the sessions. We organized a successful two day institute on probation case work, held in advance of the conference. It was jointly sponsored by the Association, the Federal Bureau of Probation and the Connecticut Probation Officers Association.

WESTERN PROBATION AND PAROLE CONFERENCE The executive and the western director participated actively in this conference in Boise, Idaho in June. A resolution was passed at the conference affiliating it with the National Probation Association. Our western director was elected executive secretary of the conference which meets annually with delegates from the eleven western states.

FLORIDA At the conference on probation and parole conducted by the Extension Division of the University of Florida and the State Probation Association at Gainesville in February, the assistant director made several addresses and showed our film.

KENTUCKY The executive director participated in an institute on juvenile and adult delinquency sponsored by the Kentucky League of Women Voters in Louisville in October.

MINNESOTA A training institute for probation and parole officers was held under the auspices of the University of Minnesota in October. A staff member led this institute.

NEBRASKA At a two day juvenile delinquency conference at Lincoln, under the auspices of the University of Nebraska, the executive director served as speaker and discussion leader.

TEXAS Under the joint auspices of the Texas Probation Association and the National Probation Association, a two day institute was held in Fort Worth in October. Our field director conducted the institute.

OTHER ADDRESSES In addition to the above, members of the staff of the Association addressed meetings and participated in state and local conferences in many sections of the country. Among groups addressed were the state conferences of social work in California, Connecticut, Idaho, Iowa, Maine, Oregon, Pennsylvania, South Carolina, Utah and Washington; state probation associations in California, Connecticut, Iowa, Massachusetts; and special local and regional meetings in Arizona, California, Connecticut, Illinois, Kentucky, Louisiana, Missouri, Nebraska, New Jersey, New York, South Carolina, Texas and Washington. During the year members of the staff of the Association delivered sixty-five scheduled addresses throughout the country as follows:

| | |
|-----------------------|----|
| Mr. Chute | 12 |
| Mrs. Bell | 17 |
| Mr. Hiller | 15 |
| Mr. Wales | 16 |
| Miss Pigeon | 5 |
| <hr/> | |
| Total | 65 |

Western Office

A group of forty-one representative people from nine states has been appointed to serve on a Western Advisory Council to assist the director of our western office in developing and coordinating the work. Several meetings of state and local groups have been held.

The board has approved the appointment of an assistant to aid Mr. Wales in the work of the western district.

Publications

The following publications have appeared during the year:

Dealing with Delinquency, Yearbook for 1940, 341 pages, containing the proceedings of the annual conference, and the following reprints from it:

The Juvenile Court and Community Resources—Donald E. Long

Release of the Child from the Institution—Emanuel Borenstein

The Sex Offender—George W. Henry and Alfred A. Gross

The Value of Case Work to the Probationer—Robert C. Taber

The Contribution of Group Work to Case Work with Delinquents—Charles E. Hendry

Telling the Public about Probation—Gilbert Cosulich, Lowell J. Carr, Joseph Y. Cheney, Marjorie Bell

National Probation Association, Review of the Year

Probation, the bimonthly magazine, five issues and index

Newslet, a news bulletin for probation officers, sponsored by the Professional Council, four issues

Directory of Probation Officers in the United States

and Canada, listing over fifty-five hundred probation officers

The Juvenile Court and Probation Department, Fairfield County, Connecticut, report of a survey made by Francis H. Hiller

The Juvenile Court of Alameda County, California, a report of a survey made by Francis H. Hiller

The Juvenile Courts in the Third Congressional District, New Haven County, Connecticut, report of a survey made by Helen D. Pigeon

A State Administered Adult Probation and Parole System, draft of a model act prepared by a committee of the Association

Selected Reading List for probation officers and others interested in delinquency

Probation and Parole Work, reprint of an article from the *Independent Woman*, by Marjorie Bell

Appeal leaflets and blanks, announcements of the larger publications, announcement and leaflet on the juvenile court film, announcements and programs of conferences.

Motion Picture

Committees of the Board of Trustees and Professional Council were appointed to serve in an advisory capacity in the preparation of our juvenile court film "Boy in Court" which, after a large preview showing in New York, was first shown to the public at the meetings of the American Prison Congress in Cincinnati on October

25, 1940. Since then it has been shown by members of the staff before various groups in twenty cities. It has been frequently commended as a graphic presentation of good juvenile court procedure.

The cost of the film was met from our general fund but it is expected that in time the cost will be returned by proceeds from sales and rentals. Up to April 1, the end of the fiscal year, sixty 16 mm prints and one 35 mm print were sold. In addition there have been many rentals.

Model State Probation and Parole Bill

The Association's model bill for a state administered system of probation and parole was completed at the beginning of the year with the active and effective cooperation of a distinguished committee representing some of the best experts on probation and parole in the country. A general agreement was reached on all the important provisions of the bill but some differences of opinion on details were noted in the draft. The model bill was published and offered for general distribution in April 1940. The publication has been in considerable demand throughout the year. The bill has served as a model for state probation laws in Florida, South Carolina, Wyoming and other states.

John Augustus Centennial

The year 1941 marks the centennial of the beginning of probation in the Boston courts by the shoemaker, John Augustus. The Association decided to commemorate this significant event by holding its annual conference in Boston and by carrying on a campaign of public education dealing with the history, status and needs of probation throughout the country. A competent publicity director was employed in January on a part time basis.

Special leaflets were prepared, and a press book for distribution to magazines, newspapers and other sources of publicity, and numerous press releases were sent out. A distinguished national sponsoring committee was appointed. We were honored by the acceptance of Chief Justice Charles Evans Hughes as the honorary chairman of the committee. A New England committee was appointed and a special host committee in Boston, of which Governor Leverett Saltonstall accepted the chairmanship, to help finance the special events of the Boston conference. Much publicity in newspapers all over the country and in other media resulted from these efforts.

In-service Training Manual

As a result of many requests from probation officers throughout the country, the production of a manual to be used in connection with training courses for probation and parole officers was decided upon. A committee was appointed by the Professional Council of the Association to sponsor the effort. A competent research worker was employed on January 1 to prepare the material. The work was well under way at the end of the fiscal year and promises to be of great value in aiding workers in the field throughout the country.

Professional Council

Three meetings of the council were held since our last annual report. The first was held during the annual conference of the Association in Grand Rapids in May. L. Wallace Hoffman was reelected chairman for the coming year, and Richard T. Smith vice chairman. Three committees were appointed to study the questions of conference affiliations, in-service training courses, and publicity and interpretation. The committee on confer-

ence affiliations sent out a questionnaire to all probation officer members of the Association. The committee on in-service training has been active in plans for our new training manual. Two long meetings were held.

The second meeting of the council was held in Cincinnati during the American Prison Congress. Committee reports were presented and the work of the Association was discussed generally.

The third meeting was held in New York in December. Committee reports were heard and plans for the annual conference and John Augustus Centennial celebration were discussed.

General Work

General advisory service to probation officers, judges and others has been given by correspondence, the sending of literature and by field visits in some instances. The Association continues to serve as a clearing house for information for the whole country in the field of probation. Daily requests for information and our literature are received. Publications and exhibit material have been loaned to conferences and institutes in many parts of the country. Assistance has been given to many states in the preparation of probation and parole bills. Many persons visit the office of the Association to secure information. Assistance has been given to many applicants studying for civil service examinations in probation and related fields.

An employment file has been kept and a large number of candidates for probation work have been notified of openings for which they might be qualified. Appointing judges and other officers have turned to us from time to time to secure recommendations as to qualified probation workers. Help has been given to several civil service

departments in preparing, conducting and rating examinations in the probation field.

Members of the staff of the Association have cooperated with many organizations and committees and have appeared at conferences and meetings to obtain cooperation and assistance.

Because of the expiration of our lease at 50 West Fiftieth street it became necessary for the offices of the Association to be moved in October. Suitable quarters were found in the building at 1790 Broadway.

Board and Staff Changes

Two new members were elected to the Board of Trustees at the annual meeting in 1940: Henrietta Additon, superintendent, Westfield State Farm, Bedford Hills, New York; and G. Howland Shaw, Assistant Secretary of State, Washington. Ex-governor Alfred E. Smith and former judge Joseph Siegler have agreed to serve as members of our Advisory Committee.

Helen D. Pigeon has been employed since September for the Connecticut survey and to prepare the in-service training manual for probation and parole officers. Edward C. Kienle was employed for the production and sales promotion of the film, and since January to work on publicity for the John Augustus Centennial. Additional clerical assistance has been required for this work. We have been assisted throughout the year by a staff of part time workers from the National Youth Administration.

Membership and Financial Support

The total paid up membership of the Association on March 31, 1940 was 16,938. On March 31, 1941, the total membership was 18,383, an increase of 1445 over

1940. The classified membership contributions for the year are shown in the following table:

Membership Contributions Received
from April 1, 1940 through March 31, 1941

| Amount Contributed | Number of Contributors | |
|-----------------------|------------------------|----------|
| | New | Renewals |
| Up to \$1.99..... | 160 | 1,383 |
| Only \$2 | 1,062 | 3,790 |
| \$2.01 to \$5..... | 1,582 | 6,111 |
| \$5.01 to \$10..... | 555 | 2,655 |
| \$10.01 to \$25..... | 128 | 772 |
| \$25.01 to \$50..... | 13 | 122 |
| \$50.01 to \$100..... | 6 | 39 |
| Over \$100 | 1 | 4 |
| Total | 3,507 | 14,876 |
| Grand Total | 18,383 | |

The plan of calendar year membership for our probation officer members has worked out successfully. There were over two thousand such members at the close of the year. Over one hundred probation departments throughout the country had all of their probation officers enrolled as members of the Association.

The great bulk of contributions for the work of the Association is from citizen members. As indicated by the above table, a large majority contribute small amounts and these are continued from year to year. In spite of many other demands upon our contributors, their loyal interest has continued during the year. The Association has been greatly aided in many cities by judges and other prominent persons who have acted as sponsors in sending out financial appeals for the work. The increased num-

ber of these local appeals largely accounts for the significant number of new contributors.

One legacy from the estate of Georgiana Kendall for the sum of \$824.53 was received during the year. We acknowledged a generous renewal contribution of \$1000 toward the general work from Henry Ford who is actively interested in probation and parole.

The Association has members and contributors in every state in the Union and in many foreign countries. As indicated by the treasurer's report we were able to close the year with a working surplus in the general fund. The Association has no endowment fund but a permanent reserve fund to which are assigned legacies and certain large gifts, some of them as memorials to deceased friends, by action of the Board of Trustees. This fund is managed by our finance committee and is invested in industrial and government bonds and in stocks and brings a small regular interest return.

Interest in the work of the Association continues to develop. As it is the only national organization in its field, we find that demands and opportunities for service are unlimited. In return for the generous assistance of our members and contributors throughout the country, we are making every effort to carry on the work as economically and as effectively as possible. We bespeak the continued interest and assistance of all who read this report.



Treasurer's Report

The following is a copy of the statement submitted by our auditors:

NATIONAL PROBATION ASSOCIATION, INC.

STATEMENT OF CASH RECEIPTS AS RECORDED, AND
DISBURSEMENTS, BY FUNDS, FOR THE YEAR ENDED
MARCH 31, 1941

GENERAL FUND

BALANCE, APRIL 1, 1940.....\$ 16,765.84
RECEIPTS:

| | |
|---------------------------------------|--------------|
| Dues and subscriptions..... | \$112,378.22 |
| Local contributions for field service | |
| expenses | 1,247.11 |
| Sale of publications..... | 2,199.29 |
| Income from investments..... | 1,422.54 |
| Interest on bank balances..... | 295.90 |
| Film sales and rentals..... | 1,381.38 |
| Miscellaneous | 52.60 |

TOTAL RECEIPTS\$118,977.04

TOTAL\$135,742.88

DISBURSEMENTS:

| | |
|---|-------------|
| Salaries | \$62,536.54 |
| Extra service | 6,745.35 |
| Travel expense | 10,901.13 |
| Printing | 8,885.57 |
| Multigraphing | 6,089.37 |
| Postage and express..... | 8,323.11 |
| Rent | 4,826.56 |
| Office supplies | 3,060.78 |
| Telephone and telegraph..... | 1,204.86 |
| Equipment | 1,694.17 |
| Purchase of publications..... | 409.34 |
| Loss from redemption of securities (transferred from reserve fund) | 25.00 |
| Cost of motion picture films..... | 6,297.61 |
| Miscellaneous | 808.12 |

TOTAL DISBURSEMENTS\$121,807.51

BALANCE, MARCH 31, 1941:

| | |
|---------------------------|---------------------|
| On deposit: | |
| Operating account | \$ 3,788.78 |
| Savings banks | 9,284.59 |
| Petty cash | 75.00 |
| Travel expense funds..... | 787.00 |
| | <u>\$ 13,935.37</u> |

RESERVE FUND

BALANCE, APRIL 1, 1940.....\$ 6,934.57

RECEIPTS:

| | |
|--|---------------------|
| Proceeds from redemption of securities | \$ 5,275.00 |
| Legacy received | 824.53 |
| | <u>6,099.53</u> |
| TOTAL RECEIPTS | 6,099.53 |
| | <u>\$ 13,034.10</u> |

DISBURSEMENTS:

Purchase of securities..... 8,021.89

BALANCE, MARCH 31, 1941:

On deposit in savings banks.....\$ 5,012.21

SUMMARY OF RESERVE FUND AND CHANGES THEREIN FOR THE YEAR ENDED MARCH 31, 1941

BALANCE, APRIL 1, 1940:

| | |
|--------------------------------------|---------------------|
| Cash on deposit with savings banks.. | \$ 6,934.57 |
| Investments—bonds and stocks..... | 58,716.58 |
| | <u>\$ 65,651.15</u> |

ADDITION—Legacy received 824.53

BALANCE, MARCH 31, 1941

| | |
|--------------------------------------|---------------------|
| Cash on deposit with savings banks.. | \$ 5,012.21 |
| Investments—bonds and stocks..... | 61,463.47 |
| | <u>\$ 66,475.68</u> |

ACCOUNTANTS' CERTIFICATE

National Probation Association, Inc.:

We have made an examination of your accounts for the year ended March 31, 1941 and have verified the securities of the reserve fund and the cash balance of the general and reserve funds as of that date by certifications obtained from the custodian and the depositaries, respectively.

In our opinion, the accompanying statements set forth the cash receipts as recorded and the disbursements of your general and reserve funds for the year ended March 31, 1941, the transactions of the reserve fund for the said year, and the investments of the reserve fund at March 31, 1941.

(Signed) HASKINS & SELLS

New York, April 15, 1941

TREASURER'S NOTES

1. There were unpaid bills carried over on March 31, 1941 amounting to \$309.84, subsequently paid.

2. The above statement divides the funds of the Association into the general fund, which is our operating account for carrying on the work, and the reserve fund. The latter has been built up from time to time by setting aside various sums from current receipts. The board of trustees has considered this fund essential to protect the Association in case of emergencies which might bring about a reduction in annual contributions. The Association has received from time to time certain legacies and also gifts of substantial amounts from persons, some of whom are still living. While none of these legacies or gifts have been restricted in any way as to their use in the work of the Association, it has seemed to the trustees that the Association would be carrying out the purpose of the donors in treating them as part of a special fund, of which the principal should not be used except in case of emergency. Therefore it was decided that such legacies and gifts might properly be looked upon as among the sources of the reserve fund and should be set forth in this report. These legacies and gifts have not been separately invested.

SOME OF THE SOURCES OF THE RESERVE FUND

LEGACIES

| | | |
|---------|--|-------------------|
| 1926 | Mrs. Annie R. Miller, Newark, New Jersey | \$ 1,870.22 |
| 1927 | Sarah Newlin, Philadelphia... | 500.00 |
| 1929 | Mrs. S. Edith Van Buskirk, Wyckoff, New Jersey..... | 100.00 |
| 1931 | Mrs. Winifred Tyson, New York | 1,000.00 |
| 1933 | John Markle, New York..... | 10,000.00 |
| 1939-41 | Georgiana Kendall, New York. | 1,324.53 |
| | | <hr/> \$14,794.75 |

MEMORIALS

| | | |
|------|--|-------------------|
| 1924 | Wilhelmine F. Coolbaugh, Chicago | \$ 1,000.00 |
| 1925 | Joseph L. Boyer, Detroit..... | 500.00 |
| 1930 | V. Everit Macy, Westchester County, New York..... | 1,850.00 |
| 1932 | George Eastman, Rochester, New York | 1,500.00 |
| 1934 | Mrs. Helen Hartley Jenkins and the Hartley Corporation, New York | 11,150.00 |
| 1936 | Tracy W. McGregor, Detroit... | 2,150.00 |
| 1937 | Mrs. Fannie B. Look, Los Angeles | 5,000.00 |
| | | <hr/> \$23,150.00 |

SPECIAL GIFTS AND LIFE MEMBERSHIPS

| | | |
|----------------|---|-------------------|
| 1925 | Mrs. Leonard Elmhirst, New York | \$ 1,200.00 |
| 1927 | Mrs. Lilly A. Fleischmann, Cincinnati, Ohio | 500.00 |
| 1936 | Mabel I. Hilliard, Donnellson, Ohio | 325.00 |
| 1937- 38-40 | Henry Ford, Dearborn, Michigan | 3,000.00 |
| 1939 | Mrs. Genevieve S. Blethen, Seattle, Washington | 1,000.00 |
| | | <hr/> \$ 6,025.00 |
| TOTAL | | <hr/> \$43,969.75 |

HENRY DEFOREST BALDWIN, *Treasurer*



Minutes

ANNUAL BUSINESS MEETING OF THE NATIONAL PROBATION ASSOCIATION, BOSTON, MASSACHUSETTS, MAY 31, 1941

JUDGE GEORGE W. SMYTH, vice president of the Association, presided in the absence of the president, Mr. Pfeiffer. About one hundred members of the Association were in attendance.

Due to the short time available, the minutes and reports on the work of the Association were dispensed with. The report of the committee on resolutions was presented by the chairman, Theodor Broecker, as follows:

1) RESOLVED: that a unanimous vote of thanks be extended to the following groups and individuals whose wholehearted cooperation and activity have so materially contributed to the success of the John Augustus Centennial celebration, of which this conference is a part:

Charles Evans Hughes, Chief Justice of the United States, honorary chairman, and the members of the national sponsoring committee of the John Augustus Centennial;

Albert B. Carter, commissioner, B. Loring Young, chairman, and the members of the Massachusetts Board of Probation;

Patrick J. Hurley, president, and the members of the Massachusetts Probation Officers Association;

Governor Leverett Saltonstall and the members of the Massachusetts Host Committee for the John Augustus Centennial, and especially to Mrs. James J. Storrow for her hospitality in entertaining the conference at her home in Lincoln;

Mayor Maurice J. Tobin and other city officials; the Boston Chamber of Commerce; the Hotel Statler and its able staff;

Speakers and all others who have contributed to the success of this conference.

2) **RESOLVED:** that this conference recognizes the valuable work of the committee on in-service training, and commends it for continued progress and success.

3) **WHEREAS**, civil service and other merit systems of selecting probation and parole officers are being extended, and

WHEREAS, it is essential to the development of higher standards of service that all selections be on a merit basis;

RESOLVED: that such merit selection be further extended until it is the practice in every jurisdiction.

4) **WHEREAS**, retirement plans with adequate pensions for probation and parole officers are conducive to better service and the peace of mind of probation and parole officers,

RESOLVED: that this conference favors more widespread adoption of such plans.

T. W. BROECKER *Chairman*
HARRY O. ARGENTO
CHARLES R. HOY
MAE V. LYNCH
WALTER K. URICH

Upon motion, the report of the committee was approved and the resolutions as presented were unanimously adopted.

In the absence of the chairman, Mrs. Dora Shaw Heffner of Los Angeles, L. Wallace Hoffman of Toledo presented the report of the committee on nominations as follows:

The committee has met and considered nominations for the election of members to fill the places of ten members on the board whose terms expired at this time. We recommend the reelection for the usual three year terms of the following members:

Henry deForest Baldwin, New York; Mrs. Sidney C. Borg, New York; Mrs. Frank H. Dodge, Little Rock, Arkansas; Mrs. Dora Shaw Heffner, Los Angeles; Charles Evans Hughes, Jr., New York; Daniel E. Koshland, San Francisco; Joseph P. Murphy, Newark, New Jersey; Laurence G. Payson, New York; Judge John Forbes Perkins, Boston.

For the one remaining vacancy on the board we propose for nomination Judge Paul W. Alexander of the Juvenile and Domestic Relations Court of Toledo, Ohio.

MRS. DORA SHAW HEFFNER *Chairman*
L. WALLACE HOFFMAN
HELEN CLUNEY

Upon motion the report of the committee was unanimously adopted and the secretary was instructed to cast a unanimous ballot for the election of the members of the board as indicated.

CHARLES L. CHUTE
Executive Director



Minutes

MEETING OF THE PROFESSIONAL COUNCIL

TWO meetings of the council were held at the Statler Hotel, Boston, May 30, a breakfast meeting at 8:00 a.m. and an adjourned meeting after the evening session of the conference at 10:30 p.m.

L. Wallace Hoffman of Toledo, chairman of the council, presided at both sessions. Members present at one or both of the sessions were: Harry O. Argento, Rochester; William D. Barnes, Hartford; Theodor W. Broecker, Pittsburgh; Albert B. Carter, Boston; Frank C. Dillon, Denver; Ralph Hall Ferris, Lansing; Joseph H. Hagan, Providence; Irving W. Halpern (for Elmer W. Reeves), New York; William J. Harper, White Plains; Patrick J. Hurley, Boston; Russell Jackson, Phoenix; Mrs. Edna Johnson, Montpelier; Mae V. Lynch, Elizabeth; Joseph P. Murphy, Newark; Mrs. Pat Niedermeier, Pine Bluff; Richard T. Smith, Concord; William L. Stuckert, Baltimore; Robert C. Taber, Philadelphia; Walter K. Urich, Washington; Charles L. Chute, secretary.

Mr. Hoffman made a preliminary statement about the work of the council. He then called upon Mr. Broecker to present the report of the committee on publicity and interpretation. Mr. Taber presented and discussed the report of the committee on conference affiliations. Mr. Murphy presented a report of the committee on in-service training. It was agreed to defer discussion of the reports until the evening session.

Mr. Hoffman called for nominations for chairman of the council for the ensuing year. Mr. Jackson nominated Robert C. Taber of Philadelphia. Mr. Ferris renom-

inated Mr. Hoffman and Mr. Taber nominated Mr. Harper; both of these withdrew because of previous service as chairman. Mr. Harper moved and the council voted that the secretary be instructed to cast a unanimous ballot for the election of Mr. Taber. At the adjourned session in the evening, it was voted unanimously that the following additional officers be elected for the ensuing year: vice chairman, Ralph Hall Ferris and secretary, Charles L. Chute.

The balance of the meeting was consumed in the discussion of two matters, the report of the committee on in-service training and the Youth Correction Authority bill.

Mr. Murphy asked for suggestions from the members of the council to guide the committee in recommending plans for the use of the study manual now being prepared and plans for sponsoring courses for probation and parole officers throughout the country. Many suggestions were offered in regard to the publication and use of the manual and proposed courses. There was a division of opinion in regard to the method of publication and distribution of the manual, some being of the opinion that the sending out of the manual should be at first strictly controlled and others urging that it be published and sold at a nominal price to all who request it. It was finally voted that it was the sense of the meeting that in the first instance the manual should be tried out by a limited number of persons in the professional field.

The Youth Correction Authority Act of the American Law Institute was also discussed with animation. The vote of the council was unanimously against the model act in its present form.

CHARLES L. CHUTE

Secretary



Officers, Board of Trustees, Advisory
Committee, Western Advisory Council,
Professional Council, Staff, OCTOBER 1941

NATIONAL PROBATION ASSOCIATION

Organized 1907, Incorporated 1921
1790 BROADWAY, NEW YORK

Western Office 110 SUTTER STREET, SAN FRANCISCO

OFFICERS

President and Chairman, Board of Trustees

TIMOTHY N. PFEIFFER New York
Attorney

Vice President

GEORGE W. SMYTH White Plains, New York
Judge, Westchester County Children's Court

Treasurer

HENRY DEFOREST BALDWIN New York
Attorney

Honorary Vice Presidents

JULIAN W. MACK New York
U. S. Circuit Judge

PAUL V. McNUTT Washington, D. C.
Administrator, Federal Security Agency

EDWARD F. WAITE Minneapolis
Former Judge, District Court

BOARD OF TRUSTEES

Terms Expire 1944

| | |
|---|--------------------|
| PAUL W. ALEXANDER | Toledo |
| <i>Judge, Juvenile Court</i> | |
| *†HENRY DEFOREST BALDWIN | New York |
| MRS. SIDNEY C. BORG | New York |
| <i>President, Jewish Board of Guardians</i> | |
| MRS. FRANK H. DODGE | Little Rock |
| MRS. DORA SHAW HEFFNER | Los Angeles |
| <i>Commissioner, Juvenile Court</i> | |
| CHARLES EVANS HUGHES, JR. | New York |
| <i>Attorney</i> | |
| DANIEL E. KOSHLAND | San Francisco |
| <i>Vice President, Levi Strauss and Company</i> | |
| *JOSEPH P. MURPHY | Newark, New Jersey |
| <i>Chief, Essex County Probation Service</i> | |
| †LAURENCE G. PAYSON | New York |
| <i>Finance Committee, New York University</i> | |
| JOHN FORBES PERKINS | Boston |
| <i>Judge, Juvenile Court</i> | |

Terms Expire 1943

| | |
|---|-------------------------|
| HENRIETTA ADDITON | Bedford Hills, New York |
| <i>Superintendent, Westfield State Farm</i> | |
| HERBERT G. COCHRAN | Norfolk, Virginia |
| <i>Judge, Juvenile and Domestic Relations Court</i> | |
| HARRY L. EASTMAN | Cleveland |
| <i>Judge, Juvenile Court</i> | |
| *IRVING W. HALPERN | New York |
| <i>Chief Probation Officer, Court of General Sessions</i> | |
| CHARLES W. HOFFMAN | Cincinnati |
| <i>Judge, Court of Domestic Relations</i> | |
| SAM A. LEWISOHN | New York |
| <i>Member, State Commission of Correction</i> | |

* Member of executive committee

† Member of finance committee

OFFICERS, TRUSTEES, ADVISORY, COUNCILS, STAFF 453

| | |
|---|-----------------------|
| ARTHUR C. LINDHOLM | St. Paul |
| <i>Chairman, State Board of Parole</i> | |
| WILLIAM M. MALTBIE | Hartford, Connecticut |
| <i>Chief Justice, Supreme Court of Errors</i> | |
| G. HOWLAND SHAW | Washington, D.C. |
| <i>Assistant Secretary of State</i> | |
| †FRANK C. VAN CLEEF | New York |
| <i>Investment Counsel</i> | |

Terms Expire 1942

| | |
|---|--------------------------|
| SANFORD BATES | New York |
| <i>Member, State Board of Parole</i> | |
| CHARLES L. CHUTE | New York |
| <i>Executive Director</i> | |
| *†EDWIN L. GARVIN | Brooklyn, New York |
| <i>Justice, Supreme Court</i> | |
| SHELDON GLUECK | Cambridge, Massachusetts |
| <i>Professor of Criminology, Harvard Law School</i> | |
| RIGHT REV. MSGR. ROBERT F. KEEGAN | New York |
| <i>Secretary for Charities to the Archbishop</i> | |
| MRS. WILLARD PARKER | New York |
| *†TIMOTHY N. PFEIFFER | New York |
| LOUIS N. ROBINSON | Swarthmore, Pennsylvania |
| *†GEORGE W. SMYTH | White Plains, New York |
| JOSEPH N. ULMAN | Baltimore |
| <i>Judge, Supreme Bench</i> | |

ADVISORY COMMITTEE

| | |
|------------------------------------|-----------|
| JUDGE FLORENCE E. ALLEN | Cleveland |
| CHARLES C. BURLINGHAM | New York |
| ABRAHAM FLEXNER | New York |
| BERNARD FLEXNER | New York |
| MRS. HARRY HART | Chicago |
| JUDGE STANLEY H. JOHNSON | Denver |

* Member of executive committee

† Member of finance committee

454 OFFICERS, TRUSTEES, ADVISORY, COUNCILS, STAFF

| | |
|---|---------------------------|
| DR. HOWARD A. KELLY | Baltimore |
| GEORGE W. KIRCHWEY | New York |
| RIGHT REV. WILLIAM LAWRENCE | Boston |
| GEORGE MACDONALD | New York |
| SPENCER MILLER, JR. | New York |
| RAYMOND MOLEY | New York |
| MRS. W. L. MURDOCH | Birmingham, Alabama |
| NEWBOLD NOYES | Washington, D. C. |
| MRS. GIFFORD PINCHOT | Milford, Pennsylvania |
| ROSCOE POUND | Watertown, Massachusetts |
| VICTOR F. RIDDER | New York |
| THEODORE ROOSEVELT | Oyster Bay, New York |
| JOSEPH SIEGLER | Newark, New Jersey |
| ALFRED E. SMITH | New York |
| NATHAN A. SMYTH | New York |
| ALBERT A. SPRAGUE | Chicago |
| HENRY W. TAFT | New York |
| MRS. LEWIS S. THOMPSON | Red Bank, New Jersey |
| MIRIAM VAN WATERS | Framingham, Massachusetts |
| MRS. MARJORIE PEABODY WAITE, Saratoga Springs, New York | |
| MRS. PERCY T. WALDEN | New Haven, Connecticut |
| CHIEF JUSTICE CARL V. WEYGANDT | Columbus, Ohio |
| MRS. THOMAS RAEBURN WHITE | Penllyn, Pennsylvania |
| RABBI STEPHEN S. WISE | New York |
| B. LORING YOUNG | Boston |

WESTERN ADVISORY COUNCIL

ARIZONA

| | |
|-----------------------------|---------|
| ANN M. BRACKEN | Phoenix |
| JUDGE J. C. NILES | Phoenix |

CALIFORNIA

| | |
|---------------------------------|---------------|
| ALETA BROWNLEE | San Francisco |
| MRS. W. F. CHIPMAN | San Francisco |
| JOHN GEE CLARK | San Francisco |
| O. H. CLOSE | Waterman |
| CHARLES DEYOUNG ELKUS | San Francisco |

OFFICERS, TRUSTEES, ADVISORY, COUNCILS, STAFF 455

| | |
|--|----------------|
| JUDGE W. TURNEY FOX | Los Angeles |
| MRS. DORA SHAW HEFFNER | Los Angeles |
| HARRY F. HENDERSON | South Pasadena |
| KARL HOLTON | Los Angeles |
| ARLIEN JOHNSON | Los Angeles |
| DANIEL E. KOSHLAND | San Francisco |
| EDGAR A. LUCE | San Diego |
| DAVID R. McMILLAN | Santa Ana |
| R. R. MILLER | San Francisco |
| RIGHT REV. MSGR. THOMAS J. O'DWYER | Los Angeles |
| JUDGE BENJAMIN J. SCHEINMAN | Los Angeles |
| O. F. SNEDIGAR | Oakland |
| AUGUST VOLLMER | Berkeley |
| EARL WARREN | San Francisco |
| JUDGE ATWELL WESTWICK | Santa Barbara |
| WOOD F. WORCESTER | San Diego |

COLORADO

| | |
|--|--------|
| A. L. MCAULAY | Denver |
| VERY REV. MSGR. JOHN R. MULROY | Denver |
| JUDGE ROBERT W. STEELE | Denver |

IDAHO

| | |
|---------------------------------|---------|
| JUDGE THOMAS B. KELLY | Wallace |
| HORATIO H. MILLER | Boise |

NEVADA

| | |
|-----------------------------------|-------------|
| JUDGE FRANK H. NORCROSS | Carson City |
|-----------------------------------|-------------|

NEW MEXICO

| | |
|------------------------------|----------|
| JUDGE DAVID CHAVEZ | Santa Fe |
|------------------------------|----------|

OREGON

| | |
|--------------------------------|----------|
| ROY S. KEENE | Salem |
| JUDGE DONALD E. LONG | Portland |
| WAYNE L. MORSE | Eugene |

UTAH

| | |
|---|----------------|
| CHIEF JUSTICE DAVID W. MOFFAT | Salt Lake City |
| HERBERT SCHILLER | Salt Lake City |
| D. A. SKEEN | Salt Lake City |

456 OFFICERS, TRUSTEES, ADVISORY, COUNCILS, STAFF

WASHINGTON

| | |
|------------------------------------|---------|
| JUDGE WILLIAM G. LONG | Seattle |
| JUDGE F. G. REMANN | Tacoma |
| SIDNEY G. SWAIN | Spokane |
| JUDGE WILLIAM J. WILKINS | Seattle |
| ERNEST WITTE | Seattle |

PROFESSIONAL COUNCIL

| | |
|---|--------------------------|
| ROBERT C. TABER, <i>Chairman</i> | Philadelphia |
| RALPH HALL FERRIS, <i>Vice Chairman</i> | Lansing, Michigan |
| CHARLES L. CHUTE, <i>Secretary</i> | New York |
| RUSSELL JACKSON | Phoenix, Arizona |
| MRS. PAT NIEDERMEIER | Pine Bluff, Arizona |
| KARL HOLTON | Los Angeles |
| O. F. SNEDIGAR | Oakland, California |
| FRANK C. DILLON | Denver |
| VICTOR C. PASSAGE | Bridgeport, Connecticut |
| WILLIAM D. BARNES | Hartford, Connecticut |
| RICHARD A. CHAPPELL | Washington, D. C. |
| GENEVIEVE GABOWER | Washington, D. C. |
| WALTER K. URICH | Washington, D. C. |
| J. C. LANIER | Jacksonville, Florida |
| LOTTIE RAMSPECK | Atlanta, Georgia |
| IRENE KAWIN | Chicago |
| OLON C. VIAL | Indianapolis |
| J. BENJAMIN BEYRER | Mishawaka, Indiana |
| CLEATIE H. DEVINE | Des Moines |
| GUS L. HEICKEN | Louisville, Kentucky |
| PAUL E. SEIDLER | New Orleans |
| WILLIAM L. STUCKERT | Baltimore |
| ALBERT B. CARTER | Boston |
| PATRICK J. HURLEY | Boston |
| RALPH HALL FERRIS | Lansing, Michigan |
| JOHN J. DOYLE | St. Paul |
| ARTHUR C. LINDHOLM | St. Paul |
| ROBERT C. EDSON | Jefferson City, Missouri |
| MILTON W. WEIFFENBACH | St. Louis |

OFFICERS, TRUSTEES, ADVISORY, COUNCILS, STAFF 457

| | |
|----------------------------------|-------------------------------|
| RICHARD T. SMITH | Concord, New Hampshire |
| MAE V. LYNCH | Elizabeth, New Jersey |
| JOSEPH P. MURPHY | Newark, New Jersey |
| DAVID DRESSLER | Albany |
| EDWARD J. TAYLOR | Albany |
| EDWARD P. VOLZ | Buffalo |
| CLARENCE M. LEEDS | New York |
| ELMER REEVES | New York |
| PATRICK J. SHELLY | New York |
| HARRY O. ARGENTO | Rochester, New York |
| WILLIAM J. HARPER | White Plains, New York |
| CHARLES B. VAUGHAN | Raleigh |
| A. W. CLINE | Winston-Salem, North Carolina |
| MARY E. MCCHRISTIE | Cincinnati |
| EDWARD J. CRAWLEY | Cleveland |
| L. WALLACE HOFFMAN | Toledo |
| FRED FINSLEY | Salem, Oregon |
| LEON T. STERN | Philadelphia |
| ROBERT C. TABER | Philadelphia |
| THEODOR W. BROECKER | Pittsburgh |
| WALTER J. ROME | Pittsburgh |
| JOSEPH H. HAGAN | Providence |
| C. C. MENZLER | Nashville |
| W. E. ROBERTSON | Houston |
| HOWARD L. GEE | Salt Lake City |
| MRS. EDNA G. JOHNSON | Montpelier, Vermont |
| WALLACE I. STOCKDON, JR. | Richmond, Virginia |
| J. C. KELLY, JR. | Seattle |
| WILLIAM OLDIGS | Milwaukee |
| A. F. RUTH | Milwaukee |

COMMITTEES OF THE PROFESSIONAL COUNCIL

Conference Affiliations

ROBERT C. TABER, *Chairman*

ROBERT C. EDSON
RUSSELL JACKSON

MRS. EDNA G. JOHNSON
CHARLES VAUGHAN

458 OFFICERS, TRUSTEES, ADVISORY, COUNCILS, STAFF

In-service Training

JOSEPH P. MURPHY, *Chairman*

| | |
|---------------------|---------------------|
| RICHARD A. CHAPPELL | WILLIAM J. HARPER |
| ROBERT C. EDSON | L. WALLACE HOFFMAN |
| FRED FINSLEY | LEON T. STERN |
| GENEVIEVE GABOWER | WILLIAM L. STUCKERT |

Consultants

LLOYD C. KERSEY
PAULINE V. YOUNG

Publicity and Interpretation

THEODOR W. BROECKER, *Chairman*

| | |
|-------------------|----------------------|
| DAVID DRESSLER | KARL HOLTON |
| RALPH HALL FERRIS | MARY EDNA McCHRISTIE |
| JOSEPH H. HAGAN | WALTER URICH |

The chairman and secretary of the council are ex officio members of all committees.

STAFF

| | |
|-------------------------------|--|
| CHARLES L. CHUTE | <i>Executive Director</i> |
| MARJORIE BELL | <i>Assistant Director</i> |
| FRANCIS H. HILLER | <i>Field Director</i> |
| RALPH G. WALES | <i>Director, Western Office</i> |
| GILBERT COSULICH | <i>Publicity and Legal Research Director</i> |
| EDITH McWILLIAMS | <i>Librarian</i> |
| SALLIE H. UNDERWOOD | <i>Office Manager</i> |

Financial and Membership Staff

| | |
|--|---|
| K. KENNETH-SMITH | <i>Associate Director</i> |
| (On leave of absence for one year beginning May 1, 1941) | |
| J. STEWART NAGLE | <i>Assistant Director</i> |
| LEROY H. KITTS | <i>Assistant Director, Western Office</i> |
| R. GARNIER STREIT | <i>Membership Representative</i> |



By-laws

NATIONAL PROBATION ASSOCIATION, INC.

Adopted May 31, 1919. Amended April 14, 1920; June 21, 1921;
June 22, 1922; June 9, 1929; May 14, 1932; May 22, 1937.

ARTICLE I NAME

The corporate name of this organization shall be the National Probation Association, Incorporated.

ARTICLE II OBJECTS

The objects of this Association are:

To study and standardize methods of probation and parole work, both juvenile and adult, by conferences, field investigations and research;

To extend and develop the probation system by legislation, the publication and distribution of literature, and in other ways;

To promote the establishment and development of juvenile courts, domestic relations or family courts and other specialized courts using probation;

To cooperate so far as possible with all movements promoting the scientific and humane treatment of delinquency and its prevention.

ARTICLE III MEMBERSHIP

The membership of the Association shall consist of persons and organizations who apply for membership and are accepted by the Board of Trustees and who pay dues annually. Members shall be classified as active members, contributing members, supporting members, sustaining members, patrons, life members, and organization members. Active members shall be those who pay dues of \$2 or more a year; except that when arrangements are made for the affiliation of all the members of a state or local association of probation officers, paying joint dues in the local and national associations, the Board of Trustees may authorize a reduction of dues

for active membership. Contributing members shall be those who contribute \$5 or more annually to the Association. Supporting members shall be those who contribute \$10 or more annually to the Association. Sustaining members shall be those who contribute \$25 or more annually to the Association. Patrons shall be those who contribute \$100 or more during a single calendar year. Life members shall be those who contribute \$1000 or more to the Association. Organization members shall consist of organizations, courts or institutions which shall contribute \$10 or more annually to the Association. Members who fail to pay their dues after reasonable notice in writing by the treasurer or executive director shall thereupon cease to be members.

ARTICLE IV OFFICERS

The officers of the Association shall consists of a president, one or more vice presidents, and a treasurer who shall be elected annually by the Board of Trustees and shall serve until their successors are elected, and an executive director who shall be elected by said board to serve during its pleasure. The board also in its discretion may elect honorary officers who shall serve for such terms as the board shall determine.

ARTICLE V DUTIES OF OFFICERS

The president, or in his absence a vice president, shall act as chairman at all business meetings of the Association. The treasurer shall have charge of the finances of the Association and shall report thereon to the Board of Trustees. The executive director shall be the chief executive officer of the Association. He shall be paid such compensation as may be determined by the board.

ARTICLE VI OTHER EMPLOYEES

Other members of the executive and clerical assistants shall be appointed in such manner and for such terms and compensation as may be determined from time to time by the Board of Trustees.

ARTICLE VII BOARD OF TRUSTEES

The Board of Trustees shall consist of thirty members to be elected by the members of the Association at its annual meeting. The twenty-one directors now in office, whose terms expire subsequent to the annual meeting in May 1932, shall continue to hold office as trustees until the expiration of the terms for which they were respectively elected. At the annual meeting in May 1932 nine additional trustees shall be elected, three for terms of one year each, three for terms of two years each, and three for terms of three years each. At each annual meeting thereafter ten trustees shall be elected for terms of three years each. The board may fill any vacancy, however created, occurring among the officers or members of the Board of Trustees for the unexpired term. The board shall elect a chairman annually. He shall preside at the meetings of the board and shall be ex officio a member of all committees of the board.

ARTICLE VIII DUTIES OF TRUSTEES

The Board of Trustees shall elect the officers, shall have general direction of the work of the Association and shall administer the funds of the Association. It shall report to the Association at the annual meeting and at such other times as the Association may require.

ARTICLE IX COMMITTEES

There shall be an executive committee elected annually by the board, which shall consist of the chairman of the board, who shall be chairman of the executive committee, and six other members. Such committee shall have the powers and perform the duties of the Board of Trustees between the meetings of the board, subject to the confirmation of its action by the board. Three members shall constitute a quorum.

There shall be a finance committee consisting of a chairman and such other members as shall be determined by the Board of Trustees. Its duties shall be those which usually pertain to such a committee. It shall be appointed in the manner provided for by the board.

There shall be a Professional Council of the Association to consist of representatives of the courts and probation and parole services from the various sections of the country. The council shall consist of thirty or more members who shall be appointed by the president. One-third of the members of the council appointed in 1937 shall serve for one year, one-third for two years and one-third for three years. In advance of each annual meeting the president of the Association shall appoint for three year terms the successors of those members whose terms shall expire at such meeting, and such other members in each class as may be necessary to equalize the number of members in each class. The council shall elect its own officers annually at a meeting held in connection with the annual meeting of the Association. The council shall make recommendations to the Board of Trustees in regard to all matters concerning the professional work of the Association.

A nominating committee consisting of five members of the Association shall be appointed by the president each year to nominate candidates for membership on the Board of Trustees.

Such other standing and special committees as may be authorized by the Association or the Board of Trustees shall be appointed by the president, unless otherwise directed by the Association or by the board.

ARTICLE X MEETINGS

The annual meeting of the Association shall be held on the third Tuesday in May or on such day and at such place as may be determined by the trustees. Special meetings may be held as determined by the trustees. Ten members shall constitute a quorum. Meetings of the Board of Trustees shall be held at such times and places as the board may determine. One-third of the members shall constitute a quorum of the board.

ARTICLE XI AMENDMENTS

These by-laws may be amended by a two-thirds vote of the members of the Association present at the annual meeting, subject to the approval of the Board of Trustees.



The Program of the National Probation Association

THE Association is the only national agency exclusively engaged in the effort to extend and improve probation service, together with juvenile and other specialized courts for effective dealing with child and family problems. It is concerned with the coordination of probation, parole and institutional work and interested in all measures for the effective social treatment and prevention of crime.

The Association has:

- 1) a nationwide membership of probation workers, judges and citizens interested in the successful application of the probation principle;
- 2) an active continuing Board of Trustees made up of prominent judges, probation workers and representative citizens;
- 3) an experienced staff which carries on its program.

In its working program the Association:

- 1) conducts city and statewide surveys of courts and probation departments, prepares reports, organizes and cooperates with local committees and agencies to maintain and develop effective probation and social court organization;
- 2) drafts laws to extend and improve probation and juvenile courts, and assists in securing the enactment of these laws;
- 3) aids judges in securing competent probation officers and assists the officers and other qualified persons in obtaining placements;
- 4) promotes state supervision of probation and cooperates with state departments and associations;
- 5) conducts a national probation conference and assists with special conferences and institutes for training probation officers;

- 6) carries on a research program for the study of practical problems in this field;
- 7) serves as a clearing house for information and literature on probation, juvenile courts, domestic relations courts, and crime prevention, for the entire country;
- 8) publishes a bimonthly magazine, *Probation*, with information and practical articles; the *Yearbook*, with addresses and reports of the annual conference; a *National Directory of Probation Officers*; summaries of juvenile court and probation legislation; case record forms for probation officers; reports of surveys and studies; practical leaflets and pamphlets.

Membership in the Association is open to everyone. Each member receives the bimonthly magazine, Probation, and the Yearbook upon request.

Membership classes: active, \$2; contributing, \$5; supporting, \$10; sustaining, \$25; patron, \$100 or over.

The Association is supported entirely by membership dues and voluntary contributions. Gifts are urgently needed to meet the growing needs of the work and the many requests for assistance from courts and communities all over the country. Contributions to the Association are deductible from income tax returns.

FORM OF BEQUEST

I devise and bequeath to the National Probation Association, Inc., incorporated under Article Three of the Membership Corporation Law of the State of New York, to be applied to the benevolent uses and purposes of said Association, and under its direction [here insert description of the money or property given]



INDEX

A

- Additon, Henrietta 439, 452
Adolescence 191 ff, 208 ff
Adolescent offender 181 ff, 191 ff
Adolescents' courts 245, 413
Adult probation (*see Probation*)
Aichhorn, August 210, 216, 224
Alabama 62, 64, 65, 66, 72, 73.
151, 389, 428
Alaska 138
Alcoholism 5, 308 ff
Alexander, Franz 214
Alexander, Paul W. 452
paper 124
Alper, Benedict S. 213
paper 260
American Law Institute 227, 229,
231, 233, 236, 237, 238, 241, 242,
244, 246, 247, 250, 253
American Prison Association 48,
78
Congress 431, 438
American Public Welfare Asso-
ciation 55
Argento, Harry O. 447, 449, 457
Arizona 66, 143, 389, 390, 433
Arkansas 62, 64, 66, 144
Arnold, Thurman 39
Augustus, John 1 ff, 24, 27, 29 ff,
75, 77, 118, 181, 188, 323, 379,
436, 438, 439, 446
Authority 129, 165, 296
conflict with 208 ff

B

- Baker, Newton D. 230
Baldwin, Henry deForest 445,
447, 451, 452

- Barnes, William D. 449, 456
Bates, Sanford 453
paper 75
Baumes laws 414
Beccaria, Marquis of 25
Bennett, James V. 426
quoted 52
Bentham, Jeremy 25, 27
Borg, Mrs. Sidney C. 447, 452
Borstal schools 213, 244, 260 ff
Boys' club 360 ff
Brandon, Rodney H. 239
Broecker, Theodor W. 446, 447,
449, 457, 458
Bronner, Augusta 343
Burgess, Ernest W. 342
Burnham, L. P. 17, 18

C

- CCC (*see Civilian Conservation
Corps*)
California 36, 59, 62, 64, 65, 66,
71, 72, 120, 145, 238, 239, 390,
428, 433, 435
Cantor, Nathaniel 298 ff
paper 277
Carlson, A. J. *quoted* 29
Carter, Albert B. 446, 449
Case stories 47, 171, 173, 176, 177,
178, 184, 185, 189, 338
Case work (*see also Juvenile
courts and Probation*) 100, 132,
153 ff, 216, 223, 277 ff, 298 ff,
322 ff
Case work, juvenile 136 ff
Cass, Edward R. 232
Central States Probation and
Parole Conference 432
Child, The 138

- Child welfare services (*see U. S. Children's Bureau*)
- Children's Bureau (*see U. S. Children's Bureau*)
- Churchill, Winston *quoted* 78
- Chute, Charles L. 448, 449, 450, 453, 456, 458
papers 29, 427
- Civilian Conservation Corps 334, 339
- Clinics, psychiatric 167 ff; 208 ff
- Cluney, Helen 448
- Colorado 34, 143
- Commonwealth Fund 167
- Conferences
 American Prison Congress 431, 438
 Central States Probation and Parole 432
 National Conference of Social Work 208, 431
 National Probation 131, 431, 436
 New England Probation, Parole and Crime Prevention 432
 Western Probation and Parole 432
 White House 58
- Connecticut 64, 65, 66, 389, 395, 429, 432, 433, 435
- Cook, Rufus R. 16, 17, 18, 22, 32
- Cooley, Edwin J. *quoted* 286, 301
- Cosulich, Gilbert 63, 65, 458
paper 389
quoted 64
- Crime (*see also Conferences*)
 causes 86 ff, 109 ff
 prevention 106
 statistics 119, 309
 women 118 ff, 308
- Crowell, Grace Noll *quoted* 48
- D**
- Daronatsy, Arthur *quoted* 69
- Dayton, Neil A. 310

- Dearmer, Percy *quoted* 24
- Decisions, legal (*see Legislation*)
- Delaware 66, 396
- Delinquency (*see also Crime*)
 adolescent factors in 191 ff
 causes 48, 86 ff, 109 ff, 164, 191 ff
 prevention 188, 194, 202, 204, 207, 221
- Dependency 136 ff
- de Schweinitz, Elizabeth *quoted* 282
- Dewey, Thomas E. *paper* 181
- Dillon, Frank C. 449, 456
- Disposition boards (*see Treatment boards*)
- District of Columbia 34, 35, 41, 138, 139, 141, 151, 298, 397, 428
- Dodge, Mrs. Frank H. 447, 451
- Drug addiction 317
- Durant, Will 79
- Dwight, Louis *quoted* 8

E

- Emerson, Ralph Waldo *quoted* 24
- Evjen, Victor H. *paper* 298

F

- Faris, Ellsworth 92, 103
- Fenner, Ball 6
- Ferris, Ralph Hall 156, 157, 449, 450, 456, 458
- Fielding, Henry 24, 25, 26
- Fielding, John 25, 26
- Flatley, Michael J. 21, 32
- Florida 35, 143, 389, 397, 432, 436
- Folks, Homer 37
- Ford, Henry 441
- Foster homes 140, 141, 146, 147, 149, 164, 174, 212
- Freud, Sigmund *quoted* 93, 108

G

- Gardner, George E. 383
 Georgia 62, 64, 65, 66, 151, 398
 Gill, Howard 287
 Glover, Edward 223
 Glueck, Bernard 99
 Glueck, Sheldon 155, 156, 157,
 207, 232, 453
paper 86
quoted 379
 and Eleanor T. 102, 106, 118
 Grant, Pryor McNeill 231
 Gray, M. Geneva *paper* 308
 Grinnell, Frank W. *paper* 23
 Group work 224, 342 ff, 360 ff
 379 ff

H

- Hagan, Joseph H. 449, 457, 458
quoted 61
 Halpern, Irving W. 300, 449, 452
quoted 284, 286, 299
 Hanna, Agnes K. *paper* 136
 Harper, William J. 449, 450, 457
 Harrison, Leonard V. 231, 232
 Haskins, George F. 15, 16, 32
 Hawaii 138
 Healy, William 167, 213, 232, 342,
 343
 Heffner, Dora Shaw 447, 448,
 452, 455
 Hemmenway, Henry C. 21
 Hiller, Francis H. 63, 458
quoted 59
 Hoffman, Charles W. 452
quoted 134
 Hoffman, L. Wallace 437, 447,
 448, 449, 457, 458
 Holmer, Paul *paper* 167
 Howard, John 25, 27
 Hoy, Charles R. 447
 Hughes, Charles Evans 37, 437,
 446
quoted Frontispiece, 227, 300

- Hughes, Charles Evans, Jr. 447,
 452
 Hurley, Patrick J. 446, 449, 456

I

- Idaho 143, 389, 399, 429, 432, 433
 Illinois 34, 36, 62, 64, 66, 143,
 144, 148, 167, 239, 322, 390,
 400, 433
 Indiana 36, 37, 64, 65, 66, 67,
 68, 69, 389, 402, 429
 In-service training 437, 449, 450,
 458
 Interpretation 115, 449, 458
 Interstate Commission on Crime
 396
 Iowa 64, 66, 143, 403, 433
 Isenberg, Walter *quoted* 68

J

- Jackson, Russell 449
 Johnson, Edna 449, 457
 Juvenile courts (*see also Case
 work and Probation*) 57, 58,
 124 ff, 136 ff, 167 ff

K

- Kansas 66, 143
 Kendall, Georgiana 441
 Kentucky 52, 62, 64, 65, 66, 389,
 432, 433
 Kienle, Edward C. 439
 Kolb, Lawrence 317
 Koshland, Daniel E. 447, 452,
 455

L

- LaRoe, Jr., Wilbur *paper* 41
 Legislation 33, 34, 35, 36, 389 ff,
 429, 430, 431
 Lewis, William Draper 227, 228,
 230, 231
 Lindeman, Eduard C. *paper* 109

Lindsey, Ben B. 34
 Lippman, Hyman S. *quoted* 48
paper 208
 Lombroso, Cesare 89
 Louisiana 63, 65, 66, 389, 429,
 433
 Lynch, Mae V. 447, 449, 457

M

MacCormick, Austin H. 232
 MacLeish, Archibald 130
 Maine 35, 66, 404, 429, 433
 Marxism 93
 Maryland 62, 64, 66, 389, 405
 Massachusetts 1 ff, 23, 26, 28, 31,
 32, 33, 34, 36, 37, 43, 44, 62,
 63, 64, 65, 66, 71, 81, 118, 140,
 287, 308, 309, 310, 407, 433, 446
 State Visiting Agency 18, 19
 Meyer, Charles H. Z. *paper* 322
 Michigan 34, 52, 63, 64, 65, 66,
 239, 407
 Military service 334, 425
 Minnesota 34, 52, 58, 62, 64, 65,
 66, 69, 70, 71, 73, 143 213, 409,
 433
 Mississippi 389
 Missouri 34, 60, 62, 64, 65, 410,
 429, 433
 Montana 66, 143, 429
 Moore, Merrill *paper* 308
 Moreland, Donald W. *paper* 1
 Murphy, Joseph P. 61, 447, 449,
 452
paper 247
 Myerson, Abraham 315

N

National Conference of Social
 Work 208, 431
 National Probation Association
 29, 35, 37, 60, 61, 62, 64, 65,
 118, 182, 238, 240, 342, 427 ff,
 439

addresses 433
 advisory committee 453
 board of trustees 36, 427, 439,
 451, 452, 453, 461, 463
 business meeting 446
 resolutions 446
 by-laws 459
 committees 435, 436, 437, 446,
 447, 449, 450, 457, 461
 conferences 131, 431, 436, 463
 field service 428, 463
 institutes 431, 432, 433
 legal research 389 ff
 membership 439, 440, 459, 463,
 464
 model statute 60, 62, 436
 motion picture 435
 officers 451, 460
 professional council 36, 427, 449
 program 459, 463
 publications 4, 30, 145, 379, 434,
 438, 464
 report 427 ff
 staff 427, 439
 treasurer's report 442
 western advisory council 454
 western office 434, 458
 yearbook 59, 63, 157, 158, 383,
 434
 Nebraska 65, 66, 143, 411, 429,
 433
 Nevada 66, 144, 411, 430
 New England Probation and
 Parole Conference 432
 New Hampshire 64, 65, 66, 143
 New Jersey 36, 61, 62, 66, 71, 72,
 247, 411, 433
 New Mexico 66, 412
 New York 36, 37, 44, 61, 62, 63,
 64, 65, 66, 71, 72, 75, 109, 182,
 239, 241, 247, 309, 323, 360, 412,
 430, 433
 State Probation Commission 37
 Niedermeier, Mrs. Pat 449

Norfolk Prison Colony 287
 North Carolina 64, 65, 66, 73,
 389, 415, 430
 North Dakota 64, 65, 66, 144, 416

O

Ohio 36, 64, 65, 66, 72, 73, 124,
 151, 416, 430
 Oklahoma 66, 143, 389, 417
 Oregon 62, 64, 66, 417, 433
 Osborne Association 274

P

PIRA (*see Prison Industries Re-
 organization Administration*)
 Paley, Henry 349
quoted 350
 Parole (*see also Legislation*)
 41 ff, 80, 183, 322 ff
 administration 36, 55 ff
 juvenile 67
 Parsons, Herbert C. 81
 Payson, Laurence G. 447, 452
 Pennsylvania 36, 44, 62, 64, 65,
 66, 71, 167, 239, 418, 430, 433
 Perepel, Elias 311
 Perkins, John F. 380, 383, 447,
 452
 Pfeiffer, Timothy N. 446, 451, 453
 Phillips, Wendell *quoted* 31
 Pigeon, Helen D. 439
 Prison Industries Reorganization
 Administration 59
 Prisons 81
 Probation 75 ff
 administration 35, 36, 37, 38,
 39, 55 ff
 cost 182
 function 153 ff, 277 ff, 298 ff
 future 79 ff
 history 1 ff, 29 ff, 182, 323
 juvenile 153 ff

laws 1, 19, 20, 21, 32, 33 ff,
 60, 389 ff
 federal 35, 300, 389
 model statute 60, 62
 personnel 36
 standards 35, 36, 183
 training 36, 38, 39, 116
 Psychiatric clinics (*see Clinics,
 psychiatric*)
 Psychiatry 315
 Publicity (*see Interpretation*)
 Puerto Rico 138

Q

Quincy, Josiah *quoted* 81

R

Redl, Fritz *paper* 191
 Reed, Ellery 73
 Reeves, Elmer W. 449, 457
 Rhode Island 34, 36, 60, 61, 62,
 63, 64, 65, 66, 71, 72, 143, 239,
 420, 430
 Richmond, Mary 156
 Robinson, George C. *quoted* 127
 Romilly, Samuel 25, 27
 Roosevelt, Franklin D. *quoted* 80

S

Saltonstall, Leverett 437, 446
 Savage, Edward H. 21, 22
 Schermerhorn, Charles M. 157
 Sex offender 121, 178, 214, 225
 Seliger, Robert 318
 Sellin, Thorsten 232, 249
quoted 250
 Shaw, G. Howland 439, 453
 Shulman, Harry Manuel
paper 342
 Siegler, Joseph 439, 454
 Smith, Alfred E. 439, 454
 Smith, Richard T. 437, 449, 457

- Smyth, George W. 376, 446, 451, 453
paper 241
 Social Security Act 137, 138
 South Carolina 35, 389, 420, 430, 433, 436
 South Dakota 66, 144
 Spaulding, Warren F. 33
quoted 22
 Spear, John Murray 14, 15, 16, 32
 Standard juvenile court law 145, 146, 147, 391
 Staub, Hugo 214
 Stevenson, Marietta *paper* 55
 Stuckert, William L. 449, 456
 Sullivan, Louis *quoted* 113
 Sutherland, Edwin H. *quoted* 91

T

- Taber, Robert C. 158, 449, 450, 456, 457
 Taft, William Howard *quoted* 229, 300
 Taiano, Amedeo W. *paper* 360
 Tennessee 62, 64, 66, 143
 Texas 66, 421, 431, 433
 Thatcher, Peter Oxenbridge 24, 27
 Treatment boards (*see also Youth Correction Authority Act*) 83
 Tufts, Gardiner 18, 19

U

- U. S. Attorney General's survey 42, 61, 63, 66, 71
quoted 285, 301
 U. S. Children's Bureau 57, 136, 137, 138, 139, 145, 150
 U. S. Department of Justice 35, 66, 309
 Ulman, Joseph N. 155, 453
paper 227

- Ulrich, Walter K. 447, 449, 456, 458
 Utah 36, 52, 62, 64, 65, 66, 389, 422, 433

V

- Van Waters, Miriam 454
paper 118
 Vermont 34, 36, 60, 62, 64, 65, 66, 73, 143
 Virginia 64, 65, 389

W

- Wales, Ralph G. (*see National Probation Association, western office*)
 Washington 62, 64, 66, 143, 423, 431, 433
 Washingtonian Total Abstinence Society 3, 4, 7
 Weiss, Hans *quoted* 157
 Wells, H. G. *quoted* 277
 Western Probation and Parole Conference 432
 West Virginia 62, 64, 65, 389, 423
 White House Conference 58
 Wisconsin 36, 52, 60, 62, 63, 64, 66, 71, 145, 148, 239, 424
 Witmer, Helen Leland *paper* 153
quoted 167
 Wollan, Kenneth I. *paper* 379
 Wyoming 35, 66, 389, 424, 436

Y

- Young, B. Loring 446, 454
 Youth Correction Authority Act 84, 227 ff, 241 ff, 247 ff, 390, 393, 450
 Youth Court Act 237, 253, 255, 256

